



Ohio Administrative Code

Rule 901:10-5-02 Right to enter property for investigations and inspections.

Effective: January 1, 2025

(A) Investigations.

(1) The director, at reasonable times, has the authority to enter on any public or private property, real or personal, to conduct investigations in response to complaints or upon receiving notification of alleged violations to chapter 903 of the Revised Code and any rules adopted thereunder, any terms or conditions of any permit to install or permit to operate issued under this chapter, or any certificate issued under this chapter. Investigations may include, but are not limited to, the sampling of discharges and the inspection of discharge monitoring equipment, or to otherwise execute duties that are necessary for the administration and enforcement of this chapter.

(2) The director at reasonable times may examine and copy any records pertaining to discharges that are subject to rule or any records that are required to be maintained by the terms and conditions of any permit or certificate.

(3) If refused entry, the director may apply to a court of competent jurisdiction for the appropriate warrant.

(4) Any person to whom a permit or certificate has been issued under this chapter is prohibited from refusing entry to the director or purposely hinder or thwart the director in the exercise of any authority granted as described in this rule.

(B) Inspections of concentrated animal feeding facilities and certified livestock managers.

(1) The director has the authority to conduct inspections to review compliance with chapter 903 of the Revised Code and any rules adopted thereunder, any terms or conditions of any permit to install or permit to operate issued under this chapter, or any certificate issued under this chapter.

(2) The director will notify the owner or operator of a concentrated animal feeding facility or the



certified livestock manager at least twenty-four hours before the start of any routine or planned inspection.

Notification is not required for inspections associated with construction that has been authorized under an approved permit to install, major operational change, or operational change issued by the director.

(3) The owner or operator of a concentrated animal feeding facility or a certified livestock manager may request an alternative inspection date if all of the following apply:

(a) The director determines an emergency does not exist;

(b) A complaint has not been filed in accordance with 901:10-5-01 of the Administrative Code; or

(c) The owner or operator of a concentrated animal feeding facility or the certified livestock manager is not subject to an enforcement case under 903.16 of the Revised Code.

(4) Any person to whom a permit or certificate has been issued under this chapter is prohibited from refusing entry to the director or purposely hinder or thwart the director in the exercise of any authority granted as described in rule.

(C) Biosecurity.

(1) Biosecurity refers to the policies and measures taken for protecting the food supply and agricultural resources from contamination.

(2) Upon entering the property of a concentrated animal feeding facility, director's representative shall identify himself or herself with proper identification to prove that he or she is an agent of the Ohio department of agriculture.

(3) If an inspection is conducted prior to the application for a permit under this chapter, the director will notify the owner or operator in advance. The purpose of the notice is to inform the owner or operator of an inspection so that the director may be informed of the facility's biosecurity procedures,



if any. The director has the authority to conduct inspections or follow-up inspections of a facility in accordance with this rule.

(4) If an owner or operator wants the Ohio department of agriculture to comply with its biosecurity plan, the owner or operator may submit its plan with the permit to operate application. If not, the department will act in accordance with its biosecurity policy.