



Ohio Administrative Code Rule 901:13-1-01 General provisions.

Effective: August 19, 2024

(A) Purpose.

Chapter 901:13-1 of the Administrative Code applies to the control of pollutants from areas within the state used for agricultural production, including land being used for the production or keeping of animals or for the production of agricultural crops.

Chapter 901:13-1 of the Administrative Code establishes state standards for a level of management and conservation practices in agricultural production and animal feeding operations in order to abate excessive soil erosion or the pollution of waters of the state by soil sediment including attached pollutants, residual farm products and animal manure. This chapter further define Ohio's pollution abatement grant program for landowners or operators to voluntarily install conservation practices.

Chapter 901:13-1 of the Administrative Code establishes criteria intended for determining the acceptability of the level of management and conservation practices in agricultural productions and animal feeding operations. This chapter is also for use by landowners and operators in planning, applying and maintaining appropriate management measures and conservation practices and to prevent the storage, handling, treatment, disposal, or land application of manure and residual farm products such that it is polluting or has a potential to pollute waters of the state contrary to these standards established by this chapter. Technical determinations by a district or the director shall be considered prima facie evidence of agricultural pollution.

(B) Definitions. As used in Chapter 901:13-1 of the Administrative Code:

(1) "Agricultural pollution" or "pollution" means failure to use best management practices in agricultural production and animal feeding operations to abate the degradation of waters of the state by residual farm products, animal manure, or soil sediment including attached pollutants.



- (2) "Agricultural production" means the commercial apiculture, animal husbandry or poultry husbandry, the commercial production of field crops, tobacco, fruits, vegetables, timber, nursery stock, sod, flowers, or any combination of such husbandry or production and includes the processing, drying, storage, and marketing of food and fiber products and animals used for recreation, fur or wildlife purposes.
- (3) "Animal" means any animal generally used for food or in agricultural production, including cattle, sheep, goats, rabbits, poultry, swine, horses, alpacas, llamas, and any other animal included by the director of the Ohio department of agriculture by rule. "Animal" does not include fish or other aquatic animals regardless of whether they are raised at fish hatcheries, fish farms, or other facilities that raise aquatic animals.
- (4) "Animal feeding operation" means an animal feedlot and animal manure management facilities and land application areas for managing and disposal of animal manure. Animal feeding operation does not include operations subject to Chapter 903. of the Revised Code, division (J) of section 6111.03 of the Revised Code, or division 901:10 of the Administrative Code.
- (5) "Animal feedlot" means a paved animal feeding or holding area or other lot, pen, yard, or other feeding or holding area where grass or other suitable vegetative cover is not maintained.
- (6) "Best management practice" or "BMP" means a practice or combination of practices that is determined to be the most effective and practicable, including technological, economic, and institutional considerations, means of preventing or reducing agricultural pollution sources to a level compatible with water quality goals. Best management practices may include structural and nonstructural practices, conservation practices, and operation and maintenance procedures.
- (7) "Conservation" means the wise use and management of natural resources.
- (8) "Cost-share monies" means state of Ohio public funds used for the purpose of sharing the cost of establishing needed pollution abatement practices.
- (9) "Department" means the Ohio department of agriculture.



(10) "Director" means the director of the Ohio department of agriculture.

(11) "Director's designee" means any Ohio department of agriculture, soil and water conservation district employee, or soil and water conservation district supervisor who the director has given the responsibility to implement the agricultural pollution abatement program.

(12) "District" means a soil and water conservation district organized under Chapter 940. of the Revised Code.

(13) "Diversion" means a channel constructed across the slope for the purpose of intercepting and rerouting surface runoff.

(14) "Erosion" means:

(a) The wearing away of the land surface by running water, wind, ice or other geological agents, including such processes as gravitational creep.

(b) Detachment and movement of soil or rock fragments by water, wind, ice, or gravity.

(c) Erosion includes:

(i) "Gully erosion" means the erosion process whereby water accumulates in narrow channels during and immediately after rainfall or snow or ice melt and actively removes the soil from this narrow area to considerable depths such that the channel would not be obliterated by normal smoothing or tillage operations.

(ii) "Rill erosion" means the erosion process in which numerous small channels only several inches deep are formed; occurs mainly on recently disturbed soils. The small channels formed by rill erosion would be obliterated by normal smoothing or tillage operations.

(iii) "Sheet erosion" means the removal of a fairly uniform layer of soil from the land surface by wind or runoff water.



(15) "Field Office Technical Guide" means the "Ohio Field Office Technical Guide "(version 5.8.0.51) created by the United States department of agriculture, natural resources conservation service which serves as the technical guide for the conservation of soil, water, air, and related plant and animal resources. The "Field Office Technical Guide" is available by visiting www.nrcs.usda.gov.

(16) "Ground water" means any water below the surface of the earth in a zone of saturation, but does not include a perched water table.

(17) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting, on farm biodigester operation residue that includes at least seventy-five per cent manure, or the composting of animal excreta.

(18) "Manure management facility" means any area or facilities used for the collection, storage, handling or treatment of manure.

(19) "Mortality composting" means the controlled decomposition of organic solid material consisting of animal mortality that stabilizes the organic fraction of the material.

(20) "Ohio soil and water conservation commission" means the Ohio soil and water conservation commission established under section 940.02 of the Revised Code.

(21) "Operation and management plan" means a written record, developed or approved by the director, the director's designee, or a district's board of supervisors, for the owner or operator of agricultural land or an animal feeding operation that contains the following:

(a) Implementation schedules and operational procedures for a level of management and pollution abatement practices that will abate the degradation of the waters of the state by residual farm products, manure, and soil sediment, including attached pollutants;

(b) Best management practices that are to be used by the owner or operator; and



(c) Nutrient management plan.

(22) "Person" means the same as found in section 1.59 of the Revised Code.

(23) "Prima facie evidence" means law evidence adequate to establish a fact or raise a presumption of fact unless refuted.

(24) "Residual farm products" is defined in section 939.01 of the Revised Code.

(25) "Sediment" means solid material, both mineral and organic, that is in suspension, is being transported, or has been moved from its site of origin by air, water, gravity, or ice, and has come to rest on the earth's surface.

(26) "Sloughing" means a slip or downward movement of an extended layer of soil resulting from the undermining action of water or the earth disturbing activity of man.

(27) "Snow pack manure" means the accumulation of snow and ice when combined with manure and residual farm products.

(28) "Soil" means unconsolidated, erodible earth material consisting of minerals and organics.

(29) "Soil loss" means soil moved from a given site by the forces of erosion and redeposited at another site, on land or in a body of water.

(30) "Stream" means a body of water running or flowing on the earth's surface or channel in which such flow occurs. Flow may be seasonally intermittent.

(31) "Useful life" means the expected service life of a best management practice as defined by the "Field Office Technical Guide" or by the director.

(32) "Waters of the state" means the same as found in section 939.01 of the Revised Code.