

As Introduced

**127th General Assembly
Regular Session
2007-2008**

S. B. No. 42

Senator Carey

Cosponsors: Senators Gardner, Austria, Schaffer, Buehrer

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A B I L L

To amend sections 307.204 and 505.266 of the Revised 1
Code to expand the notification requirements 2
pertaining to concentrated animal feeding 3
facilities by requiring applicable county and 4
township officials to be notified regarding 5
proposals for the establishment or certain 6
expansions of any concentrated animal feeding 7
facilities rather than only proposals involving 8
major concentrated animal feeding facilities. 9

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 307.204 and 505.266 of the Revised 10
Code be amended to read as follows: 11

Sec. 307.204. (A) As used in this section: 12

(1) "Concentrated animal feeding facility" ~~and "major~~ 13
~~concentrated animal feeding facility" have~~ has the same ~~meanings~~ 14
meaning as in section 903.01 of the Revised Code. 15

(2) "Facility" means a proposed new or expanded ~~major~~ 16
concentrated animal feeding facility. 17

(3) "Improvement" means the construction, modification, or 18

both of county infrastructure. 19

(B) A person who proposes to do ~~any~~ either of the following 20
shall provide written notification as required under division (C) 21
of this section to the board of county commissioners of the county 22
in which a facility is or is to be located: 23

(1) Establish a new ~~major~~ concentrated animal feeding 24
facility; 25

(2) Increase the design capacity of an existing ~~major~~ 26
concentrated animal feeding facility by ten per cent or more in 27
excess of the design capacity set forth in the current permit for 28
construction or modification of the facility or for installation 29
or modification of the disposal system for manure at the facility 30
issued under section 903.02 or division (J) of section 6111.03 of 31
the Revised Code, as applicable; 32

~~(3) Increase the design capacity of an existing concentrated 33
animal feeding facility by ten per cent or more in excess of the 34
design capacity set forth in the current permit for construction 35
or modification of the facility or for installation or 36
modification of the disposal system for manure at the facility 37
issued under section 903.02 or division (J) of section 6111.03 of 38
the Revised Code, as applicable, and to a design capacity of more 39
than ten times the number of animals specified in any of the 40
categories in division (H) of section 903.01 of the Revised Code. 41~~

(C) The person shall notify the board in writing by certified 42
mail of the proposed construction or expansion of the facility and 43
include the following information: 44

(1) The anticipated travel routes of motor vehicles to and 45
from the facility; 46

(2) The anticipated number and weights of motor vehicles 47
traveling to and from the facility. 48

(D) At the request of the board, the county engineer may review the written notification and advise the board on both of the following:

(1) Improvements and maintenance of improvements that are reasonably needed in order to accommodate the impact on county infrastructure that is anticipated as a result of the facility, including increased travel or the types of vehicles on county roads;

(2) The projected costs of the improvements and maintenance.

Not later than ten days after receiving the written notification, the board may request the person to provide additional reasonable and relevant information regarding the impact of the facility on county infrastructure. The person shall provide the information not later than ten days after the request is made.

(E)(1) Not later than thirty days after the initial written notification is received by the board, the board shall submit to the person its recommendations, if any, concerning the improvements that will be needed as a result of the facility and the cost of those improvements.

(2) Not later than fifteen days after receipt of the board's recommendations, the person shall notify the board either that the person agrees with the recommendations and will implement them or that the person is submitting reasonable alternative recommendations or modifications to the board. If the person agrees with the recommendations, they shall be considered to be the board's final recommendations.

(3) If the board receives alternative recommendations or modifications under division (E)(2) of this section, the board shall select final recommendations and submit them to the person not later than thirty days after the receipt of the alternative

recommendations or modifications. 80

(F) The board shall prepare a written, dated statement 81
certifying that the written notification required under this 82
section was submitted and that final recommendations were selected 83
regarding needed improvements and the costs of those improvements. 84
The board shall provide the person with the original of the 85
statement so that the person can include it with the application 86
for a permit to install for the facility as required under 87
division (C)(4) of section 903.02 of the Revised Code. The board 88
shall retain a copy of the statement for its records. 89

(G) The person shall construct, modify, and maintain or 90
finance the construction, modification, and maintenance of 91
improvements as provided in the board's final recommendations and 92
with the approval and oversight of the county engineer. If the 93
person fails to do so, the board shall notify the person by 94
certified mail that the board intends to initiate mediation with 95
the person if the person remains out of compliance with the final 96
recommendations. 97

The board shall allow sufficient time for the person to apply 98
for and proceed to obtain, for the purpose of financing the 99
construction, modification, or maintenance of the improvements, 100
exemptions from taxation under sections 5709.63, 5709.632, 101
5709.73, and 5709.78 of the Revised Code or state or federal 102
grants that may be available. 103

If the person remains out of compliance with the final 104
recommendations, the board may initiate mediation with the person 105
in order to resolve the differences between them. If mediation 106
fails to resolve the differences, the board and the person first 107
shall attempt to resolve the differences through any legal 108
remedies before seeking redress through a court of common pleas. 109

(H) If the person subsequently submits an application under 110

section 903.02 of the Revised Code for a permit to modify the 111
facility, or if the routes of travel to or from the facility 112
change for any reason other than road construction conducted by 113
the county, the board or the person may request that additional 114
information be provided in writing and shall proceed as provided 115
in this section for the notification and recommendation 116
proceedings. 117

Sec. 505.266. (A) As used in this section: 118

(1) "Concentrated animal feeding facility" ~~and "major~~ 119
~~concentrated animal feeding facility"~~ have has the same ~~meanings~~ 120
meaning as in section 903.01 of the Revised Code. 121

(2) "Facility" means a proposed new or expanded ~~major~~ 122
concentrated animal feeding facility. 123

(3) "Improvement" means the construction, modification, or 124
both of township infrastructure. 125

(B) A person who proposes to do ~~any~~ either of the following 126
shall provide written notification as required under division (C) 127
of this section to the board of township trustees of the township 128
in which a facility is or is to be located: 129

(1) Establish a new ~~major~~ concentrated animal feeding 130
facility; 131

(2) Increase the design capacity of an existing ~~major~~ 132
concentrated animal feeding facility by ten per cent or more in 133
excess of the design capacity set forth in the current permit for 134
construction or modification of the facility or for installation 135
or modification of the disposal system for manure at the facility 136
issued under section 903.02 or division (J) of section 6111.03 of 137
the Revised Code, as applicable; 138

~~(3) Increase the design capacity of an existing concentrated~~ 139
~~animal feeding facility by ten per cent or more in excess of the~~ 140

~~design capacity set forth in the current permit for construction 141
or modification of the facility or for installation or 142
modification of the disposal system for manure at the facility 143
issued under section 903.02 or division (J) of section 6111.03 of 144
the Revised Code, as applicable, and to a design capacity of more 145
than ten times the number of animals specified in any of the 146
categories in division (M) of section 903.01 of the Revised Code. 147~~

(C) The person shall notify the board in writing by certified 148
mail of the proposed construction or expansion of the facility and 149
include the following information: 150

(1) The anticipated travel routes of motor vehicles to and 151
from the facility; 152

(2) The anticipated number and weights of motor vehicles 153
traveling to and from the facility. 154

(D) At the request of the board, the county engineer may 155
review the written notification and advise the board on both of 156
the following: 157

(1) Improvements and maintenance of improvements that are 158
reasonably needed in order to accommodate the impact on township 159
infrastructure that is anticipated as a result of the facility, 160
including increased travel or the types of vehicles on township 161
roads; 162

(2) The projected costs of the improvements and maintenance. 163

Not later than ten days after receiving the written 164
notification, the board may request the person to provide 165
additional reasonable and relevant information regarding the 166
impact of the facility on township infrastructure. The person 167
shall provide the information not later than ten days after the 168
request is made. 169

(E)(1) Not later than thirty days after the initial written 170

notification is received by the board, the board shall submit to 171
the person its recommendations, if any, concerning the 172
improvements that will be needed as a result of the facility and 173
the cost of those improvements. 174

(2) Not later than fifteen days after receipt of the board's 175
recommendations, the person shall notify the board either that the 176
person agrees with the recommendations and will implement them or 177
that the person is submitting reasonable alternative 178
recommendations or modifications to the board. If the person 179
agrees with the recommendations, they shall be considered to be 180
the board's final recommendations. 181

(3) If the board receives alternative recommendations or 182
modifications under division (E)(2) of this section, the board 183
shall select final recommendations and submit them to the person 184
not later than thirty days after the receipt of the alternative 185
recommendations or modifications. 186

(F) The board shall prepare a written, dated statement 187
certifying that the written notification required under this 188
section was submitted and that final recommendations were selected 189
regarding needed improvements and the costs of those improvements. 190
The board shall provide the person with the original of the 191
statement so that the person can include it with the application 192
for a permit to install for the facility as required under 193
division (C)(4) of section 903.02 of the Revised Code. The board 194
shall retain a copy of the statement for its records. 195

(G) The person shall construct, modify, and maintain or 196
finance the construction, modification, and maintenance of 197
improvements as provided in the board's final recommendations and 198
with the approval and oversight of the county engineer. If the 199
person fails to do so, the board shall notify the person by 200
certified mail that the board intends to initiate mediation with 201
the person if the person remains out of compliance with the final 202

recommendations. 203

The board shall allow sufficient time for the person to apply 204
for and proceed to obtain, for the purpose of financing the 205
construction, modification, or maintenance of the improvements, 206
exemptions from taxation under sections 5709.63, 5709.632, 207
5709.73, and 5709.78 of the Revised Code or state or federal 208
grants that may be available. 209

If the person remains out of compliance with the final 210
recommendations, the board may initiate mediation with the person 211
in order to resolve the differences between them. If mediation 212
fails to resolve the differences, the board and the person first 213
shall attempt to resolve the differences through any legal 214
remedies before seeking redress through a court of common pleas. 215

(H) If the person subsequently submits an application under 216
section 903.02 of the Revised Code for a permit to modify the 217
facility, or if the routes of travel to or from the facility 218
change for any reason other than road construction conducted by 219
the township, the board or the person may request that additional 220
information be provided in writing and shall proceed as provided 221
in this section for the notification and recommendation 222
proceedings. 223

Section 2. That existing sections 307.204 and 505.266 of the 224
Revised Code are hereby repealed. 225