



# Ohio Legislative Service Commission

## Sub. Bill Comparative Synopsis

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### H.B. 61

131st General Assembly  
(H. Agriculture and Rural Development)

This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Topic	Previous Version (As Introduced)	Sub. Version (LSC 131 0165-7)
<b>Prohibition against application of sewage sludge</b>	No provision.	Prohibits, with certain exceptions, the application of sewage sludge in the western Lake Erie basin on frozen ground, on saturated soil, and during certain weather conditions, and defines "sewage sludge," by reference to an existing definition, as the solid, semi-solid, or liquid residue generated during the treatment of domestic sewage in a treatment works ( <i>R.C. 905.326</i> ).
<b>Prohibition against application of fertilizer</b>	Prohibits, with certain exceptions, the application of fertilizer in the western Lake Erie basin on frozen ground, on saturated soil, and during certain weather conditions ( <i>R.C. 905.326</i> ).	Retains the prohibition, but defines "fertilizer" as nitrogen or phosphorous ( <i>R.C. 905.326(F)</i> ).
<b>Prohibition against application of fertilizer – exemption</b>	Exempts a person in the western Lake Erie basin from the prohibition if the person applies fertilizer that consists of potash or gypsum ( <i>R.C. 905.326(B)(4)</i> ).	No provision.

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<b>Enforcement – civil penalties</b>	<p>Authorizes the Chief of the Division of Soil and Water Resources to assess a civil penalty against a person that violates the bill's prohibition against the application of manure only if the Chief affords the person an opportunity for an adjudication hearing to challenge the Chief's determination that the person violated the prohibition (<i>R.C. 1511.11(A)</i>).</p> <p>Requires a person that has violated the bill's prohibition to pay a civil penalty in an amount established in rules adopted by the Chief not to exceed \$10,000 (<i>R.C. 1511.11(C)</i>).</p>	<p>Instead authorizes the Chief to propose to require corrective actions and assess a civil penalty against a person that is violating or has violated the bill's prohibition against the application of manure or sewage sludge only if all of the following occur:</p> <p>(1) The person is notified in writing of the deficiencies resulting in a violation, the actions that the person must take to correct the deficiencies, and the time period within which the person must correct the deficiencies and cease violation;</p> <p>(2) After the time period specified in the notice has ended, the Chief or the Chief's designee has inspected the property where the violation occurred, determined that the person is still in violation, and notified the person of the opportunity for an adjudication hearing; and</p> <p>(3) The Chief affords the person an opportunity for an adjudication hearing to challenge the Chief's determination that the person is in violation or the proposed imposition of the civil penalty, or both (<i>R.C. 1511.11(A)</i>).</p> <p>Instead requires a person that has been assessed a civil penalty under the above provisions to pay a civil penalty in an amount established in rules adopted by the Chief not to exceed \$10,000 (<i>R.C. 1511.11(C)</i>).</p>

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<b>Enforcement – exclusion</b>	No provision.	<p>Authorizes a person in the western Lake Erie basin that is in violation of the bill's prohibition against the application of manure or sewage sludge, but has not been notified of the deficiencies resulting in the violation under the bill as discussed above to request assistance from the Chief or the board of supervisors of the applicable soil and water conservation district to develop technically feasible and economically reasonable measures or a plan and a schedule to implement the measures or plan in order to cease violation (<i>R.C. 1511.12(A)</i>).</p> <p>Requires the Chief or the board, upon receiving a request for assistance, to develop or assist in the development of technically feasible and economically reasonable measures or a plan and a schedule to implement the measures or plan (<i>R.C. 1511.12(B)</i>).</p> <p>Prohibits the Chief from assessing a civil penalty under the bill against a person that is violating or has violated the prohibition if any of the following applies:</p> <p>(1) The person has made a request for assistance from the Chief or the board under the bill;</p> <p>(2) The person is receiving such assistance; or</p> <p>(3) The person is implementing the measures or plan in accordance with the schedule discussed above (<i>R.C. 1511.12(C)</i>).</p>



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<b>Phosphorous monitoring for publicly owned treatment works</b>	Requires specified publicly owned treatment works, including those with a design flow of one million gallons per day or more, to begin monthly monitoring of total and dissolved phosphorous by December 1, 2015 ( <i>R.C. 6111.03</i> ).	Retains the requirement, but extends the date to December 1, 2016 ( <i>R.C. 6111.03</i> ).
<b>Dredged material in Lake Erie and tributaries – exemption</b>	No provision.	Authorizes the Director of Environmental Protection, in consultation with the Director of Natural Resources, to determine that factors exist that result in the inability to comply with the bill's prohibition against depositing dredged material in Ohio's portion of Lake Erie and direct tributaries that resulted from harbor or navigation maintenance activities and, after making that determination, to allow open lake placement of dredged material from specified bodies of water through the issuance of a section 401 water quality certification ( <i>R.C. 6111.32(E)</i> ).
<b>Review of prohibitions against application of fertilizer, manure, and sewage sludge</b>	No provision.	Requires the committees of the House of Representatives and the Senate that are primarily responsible for agriculture and natural resources matters to do both of the following:  (1) Not later than three years after the bill's effective date, jointly assess the results of the implementation of the prohibition against the application of manure and sewage sludge in the western Lake Erie basin on frozen ground, on saturated soil, and during certain weather conditions; and  (2) Not later than January 1, 2020, jointly assess the results of the implementation of the prohibition against the application of fertilizer in the western Lake Erie basin on frozen ground, on

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	No provision.	saturated soil, and during certain weather conditions ( <i>Section 3</i> ).  Requires the committees jointly to issue a report to the Governor containing their findings and any recommendations based on the respective assessment; and authorizes the committees to include in the applicable report recommendations for revisions to or the repeal of those prohibitions ( <i>Section 3</i> ).
<b>Intent to transfer Agricultural Pollution Abatement Program</b>	No provision.	States that it is the intent of the General Assembly that legislation transferring the administration and enforcement of the Agricultural Pollution Abatement Program from the Department of Natural Resources to the Department of Agriculture must be enacted not later than July 1, 2015 ( <i>Section 4</i> ).

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