



CLEAN WATER IS OUR RIGHT!
2975 113TH ST. TOLEDO, OH 43611

June 4, 2018

Rep. Michael Sheehy
Ohio House of Representatives
(via email)

Dear Mike,

Thank you for informing me of tomorrow's joint House-Senate Agriculture Committee hearing on SB 1.

Attached is a very brief list of the law's major provisions, followed by a number of questions we have as to how effective the law has been since taking effect three years ago.

ACLE would appreciate answers to these questions from Kasich administration officials, preferably as part of the hearing record. We are particularly interested in answers to section III, re: the effectiveness of SB1.

Regards,

Mike Ferner

Ohio Senate Bill 1

Effective July 2, 2015, rules finalized January 31, 2016

Manure restrictions apply:

- 1) On snow-covered or frozen soil
- 2) When the top two inches of the soil are saturated from precipitation
- 3) When the local weather forecast for the application area contains greater than fifty per cent chance of precipitation exceeding one-half inch in a 24 hour period

Manure restrictions don't apply

- 1) If manure is injected
- 2) If incorporated within 24 hours of surface application
- 3) If applied on a growing crop
- 4) In the event of emergency, the chief of the division of soil and water resources or the chief's designee provide written consent...

Question on emergency declarations:

How many times has the division chief or the chief's designee provided written consent to put a temporary hold on restrictions?

I) Questions on Enforcement:

A) Enforcement by ODA or SWCS agents

Re: Forecasted rain events

- 1) Were ODA or SWCS agents present and observing any fields for violations of SB 1 in the WLEB watershed following rain forecasts predicting over one-half inch in the next 24 hours?
- 2) If so, did they cite any violators?
- 3) How many?
- 4) How many fines were levied as a result?
- 5) How many of those fines were paid?
- 6) What was the total amount of fines paid?

Re: Applications to saturated soil

- 1) Were ODA or SWCS agents present and observing any fields for violations of SB1 in the WLEB watershed to see if manure was being applied to ground saturated below two inches?
- 2) If so, did they cite any violators?
- 3) How many?
- 4) How many fines were levied as a result?
- 5) How many of those fines were paid?
- 6) What was the total amount of fines paid?

Re: Applications to frozen or snow-covered ground

- 1) Were ODA or SWCS agents present and observing any fields for violations of SB1 in the WLEB watershed if manure was being applied to frozen or snow-covered ground?
- 2) If so, did they cite any violators?
- 3) How many?
- 4) How many fines were levied as a result?
- 5) How many of those fines were paid?
- 6) What was the total amount of fines paid?

B) Enforcement from complaints received

- 1) How many complaints were received?
- 2) How many followed up with a field inspection?
- 3) Response time for each?
- 4) Any violators cited?
- 5) How many fines levied?
- 6) How many paid?
- 7) Total amount?

II) Questions on Exemptions

- Available by filling out a “one-page form” and getting a SWCD signature, approved or denied within 30 days.
 - For “medium” cafos (e.g.: up to 699 dairy cows) available until July 3, 2016
 - For “small” cafos (up to 199 dairy cows) available July 3, 2017

(Sewage comparables: 699 dairy cows = sewage from 15,378 people = City of Maumee + 2,300 more people. 199 dairy cows = 4,378 people = Village of Archbold)

- How many “small operation” exemptions were requested?
- How many granted?
- How many “medium operation” exemptions were requested?
- How many granted?

III) Questions on Measured Effectiveness of SB 1

- Were baseline and follow-up water sample tests done at the edge of fields or the end of subsurface drain pipes to determine the effectiveness of SB 1 restrictions?
- What were the test results for e. coli, Phosphorus, Nitrogen, Ammonia and dissolved Oxygen?