

**As Introduced**

**134th General Assembly**

**Regular Session**

**2021-2022**

**H. B. No. 349**

**Representatives Sheehy, Hicks-Hudson**

**Cosponsors: Representatives Crossman, Ingram, Lepore-Hagan, Lightbody,  
O'Brien, Skindell, Smith, M., Sobecki, Troy**

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**A BILL**

To enact section 903.021 of the Revised Code to 1  
prohibit the construction of a new or 2  
modification by expansion of an existing 3  
concentrated animal feeding facility under 4  
certain circumstances. 5

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

**Section 1.** That section 903.021 of the Revised Code be 6  
enacted to read as follows: 7

**Sec. 903.021.** (A) As used in this section: 8

(1) "Regulated concentrated animal feeding facility" means 9  
an animal feeding facility that stables or confines the number 10  
of animals specified in any of the following categories: 11

(a) Two hundred or more mature dairy cattle whether milked 12  
or dry; 13

(b) Three hundred or more veal calves; 14

(c) Three hundred or more cattle other than mature dairy 15  
cattle or veal calves; 16

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| <u>(d) Seven hundred fifty or more swine that each weigh</u>           | 17 |
| <u>fifty-five pounds or more;</u>                                      | 18 |
| <u>(e) Three thousand or more swine that each weigh less than</u>      | 19 |
| <u>fifty-five pounds;</u>  | 20 |
| <u>(f) One hundred fifty or more horses;</u>                           | 21 |
| <u>(g) Three thousand or more sheep or lambs;</u>                      | 22 |
| <u>(h) Sixteen thousand five hundred or more turkeys;</u>              | 23 |
| <u>(i) Nine thousand or more laying hens or broilers if the</u>        | 24 |
| <u>animal feeding facility uses a liquid manure handling system;</u>   | 25 |
| <u>(j) Thirty-seven thousand five hundred or more chickens,</u>        | 26 |
| <u>other than laying hens, if the animal feeding facility uses a</u>   | 27 |
| <u>manure handling system that is not a liquid manure handling</u>     | 28 |
| <u>system;</u>   | 29 |
| <u>(k) Twenty-five thousand or more laying hens if the animal</u>      | 30 |
| <u>feeding facility uses a manure handling system that is not a</u>    | 31 |
| <u>liquid manure handling system;</u>                                  | 32 |
| <u>(l) Ten thousand or more ducks if the animal feeding</u>            | 33 |
| <u>facility uses a manure handling system that is not a liquid</u>     | 34 |
| <u>manure handling system;</u>   | 35 |
| <u>(m) One thousand five hundred or more ducks if the animal</u>       | 36 |
| <u>feeding facility uses a liquid manure handling system.</u>          | 37 |
| <u>(2) "Expansion" means an increase in the total design</u>           | 38 |
| <u>capacity of a regulated concentrated animal feeding facility.</u>   | 39 |
| <u>(B) In any calendar year, the director of agriculture</u>           | 40 |
| <u>shall not issue a permit to install under section 903.02 of the</u> | 41 |
| <u>Revised Code to any person for the construction of a new or</u>     | 42 |
| <u>modification by expansion of an existing regulated concentrated</u> | 43 |

animal feeding facility if both of the following apply: 44

(1) The facility is located in the Maumee watershed. 45

(2) The director determines that, in the preceding 46  
calendar year, the spring load of total phosphorus exceeded 47  
eight hundred sixty metric tons and the total dissolved reactive 48  
phosphorus exceeded one hundred eighty-six metric tons for the 49  
Maumee river as specified in the 2015 western basin of Lake Erie 50  
collaborative agreement. 51

(C) Nothing in this section prohibits a person from 52  
completing the construction of a new, or modification of an 53  
existing, regulated concentrated animal feeding facility if the 54  
construction or modification was initiated prior to the 55  
effective date of this section under the authority of a permit 56  
to install issued under this chapter. 57

**Section 2.** The Director of Agriculture, in consultation 58  
with the Director of Environmental Protection, shall conduct a 59  
study to determine the feasibility of a waste water system or 60  
other effective system to accommodate and reduce nutrient runoff 61  
into the Maumee River watershed and western basin of Lake Erie. 62  
The Director of Agriculture shall create a report summarizing 63  
the study's conclusions and shall submit the report to the 64  
General Assembly not later than December 31, 2022. 65