

901:10-2-02      **Permit to install: siting criteria.**

Manure storage or treatment facilities shall be designed and constructed in accordance with the criteria in paragraphs of (A) to (N) of this rule. In this rule siting means a measure of horizontal or vertical distance for purposes of installing the manure storage or treatment facility.

(A) Water wells, class five agricultural wells together referred to hereinafter as "well".

- (1) A fabricated structures shall be at least fifty horizontal feet from a well.
- (2) A manure storage pond or manure treatment lagoon shall be at least three hundred horizontal feet from a well.

(B) Source water protection for public water systems.

- (1) Public water wells.
  - (a) A fabricated structure, manure storage pond, and manure treatment lagoon shall not be located within three hundred feet of a well serving a public water system that is owned or operated by the owner or operator of the facility and is a public water system located on the property of the owner or operator of the facility.
  - (b) A fabricated structure, manure storage pond, and manure treatment lagoon shall not be located within the one-year time-of-travel contour from a well for which the Ohio environmental protection agency has delineated or endorsed a ground water source protection area and that serves a non-community water system not listed in paragraph (B)(1)(a) of this rule. If no ground water source protection area has been delineated or endorsed, then the fabricated structure, manure storage pond, or manure treatment lagoon shall not be located closer than three hundred feet from the well.
  - (c) A fabricated structure, manure storage pond, and manure treatment lagoon shall not be located within the one-year time-of-travel contour from a well for which the Ohio environmental protection agency has delineated or endorsed a ground water source protection area and that serves a community water system not listed in paragraph (B)(1)(a) of this rule or one thousand feet from a public water well whichever is greater.
  - (d) A fabricated structure, manure storage pond, and manure treatment lagoon shall not be located between the one-year and five-year time-of-travel contours from a well identified as highly susceptible unless additional

ground water monitoring, or additional engineered controls or both are added, installed, and implemented as approved by the director.

(2) Surface water intake.

- (a) A fabricated structure shall be located no closer than one thousand five hundred feet from a surface water intake.
- (b) A manure storage pond or manure treatment lagoon shall be installed no closer than one thousand five hundred feet from a surface water intake.

(C) Streams.

- (1) A fabricated structure on a concentrated animal feeding facility shall be located a minimum of one hundred twenty horizontal feet from a stream or three hundred horizontal feet from a stream if the fabricated structure is on a major concentrated animal feeding facility.
- (2) A manure storage pond or manure treatment lagoon on a concentrated animal feeding facility shall be located a minimum of three hundred horizontal feet from a stream or six hundred horizontal feet if the manure storage pond or manure treatment lagoon is located on a major concentrated animal feeding facility, unless additional design criteria are added, installed, and implemented as approved by the director.

(D) Cold water habitat and seasonal salmonid streams.

- (1) A fabricated structure shall be located a minimum of three hundred horizontal feet from a cold water habitat or seasonal salmonid stream, unless additional design criteria are added, installed, and implemented as approved by the director.
- (2) A manure storage pond or manure treatment lagoon shall be located a minimum of six hundred horizontal feet from a cold water habitat and seasonal salmonid stream, unless additional design criteria are added, installed, and implemented as approved by the director.

(E) Aquifer.

A fabricated structure, manure storage pond or manure treatment lagoon shall have fifteen vertical feet of low permeability material, between the waste placement location and the uppermost aquifer, unless additional design criteria or groundwater monitoring are added, installed, and implemented as approved by the director. As used in this rule and in Chapter 901:10-2 of the Administrative Code, low permeability material means low permeability among the soil types of geologic material presented in figure 7-11, Chapter 7, "Geologic and Ground Water

Considerations," part 651, "Agricultural Waste Management Field Handbook," June 1999.

(F) Sole source aquifer.

A manure storage pond or manure treatment lagoon shall not be located above a sole source aquifer without design of ground water monitoring or engineered controls or both that are installed and implemented as approved by the director.

(G) Floodplains and floodways.

(1) A manure storage pond or manure treatment lagoon shall not be located in a one hundred year floodplain without design of additional monitoring or engineered controls or both that are installed and implemented as approved by the director and by other appropriate permits.

(2) A manure storage pond or manure treatment lagoon shall not be located in established regulatory floodways as designated by the federal emergency management agency.

(H) Karst areas.

A fabricated structure, manure storage pond or manure treatment lagoon shall not be located in a karst area without design of groundwater monitoring or engineered controls or both that are installed and implemented as approved by the director.

(I) Bedrock.

A fabricated structure, manure storage pond or manure treatment lagoon shall be located a minimum of three feet, between the bottom of the waste placement location and bedrock where no aquifer is present.

(J) Mines.

A manure storage or treatment facility shall not be located in an area of potential subsidence, due to an underground mine known to be in existence prior to the date the application for a permit to install is submitted, without design of groundwater monitoring or engineered controls or both that are installed and implemented as approved by the director.

(K) Property lines, which are defined in this paragraph as property lines not under common ownership of the owner or operator of a facility covered by this rule and public roads.

A fabricated structure, manure storage pond or manure treatment lagoon shall be located no closer than one hundred horizontal feet from a property line or public road.

(L) Neighboring residences.

- (1) A manure storage or treatment facility for solid manure at a concentrated animal feeding facility shall be no closer than five hundred horizontal feet from a neighboring residence. The manure storage or treatment facility for solid manure at a major concentrated animal feeding facility shall be no closer than one thousand horizontal feet from a neighboring residence.
- (2) A manure storage or treatment facility for liquid manure at a concentrated animal feeding facility shall be no closer than one thousand horizontal feet from a neighboring residence. A manure storage or treatment facility for liquid manure at a major concentrated animal feeding facility shall be no closer than two thousand horizontal feet from a neighboring residence.
- (3) When utilizing proven technology, the siting criteria may be reduced by the director by using the list of technologies appended to this rule. The technologies listed in this appendix are not inclusive of all available technologies. Selected technologies are required to be fully described in detail plans and specifications, engineering drawings, and maps that shall be reviewed and approved by the director in deciding whether or not to reduce any applicable siting criteria as a reasonable exercise of the director's discretion.

- (M) The siting criteria requirements applicable to a manure storage or treatment facility shall not apply to the criteria set forth in paragraphs (K) and (L) of this rule if the applicant for a permit to install obtains a written agreement from all of the owners of neighboring residences or property owners located closer than the siting criteria. The agreement shall state such owners are aware of the proposed construction and have no objections to such construction. A copy of the written agreement shall be included with the permit to install application.

[Comment: The written agreement may be filed in the register of deeds office of the county in which the neighboring residence is located.]

- (N) As used in this rule, additional design for engineered controls includes but is not limited to additional freeboard, secondary containment, additional treatment, increased liner thickness, synthetic liner materials, groundwater monitoring, or design and construction alternatives set forth in paragraph (A)(9)(c) of rule 901:10-2-06 of the Administrative Code.

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CERTIFIED ELECTRONICALLY

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Certification

01/03/2006

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Date

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