



## Ohio Administrative Code Rule 901:10-1-03 Criteria for decision-making.

Effective: January 1, 2026

---

(A) Criteria for decision making by the director. The director shall deny, modify, revoke and reissue, or terminate a permit to install or permit to operate if:

(1) The permit application contains misleading or false information; or

(2) The designs and plans fail to conform to best management practices and to the rules in this chapter or if the owner or operator fails to build the facility in accordance with design plans as approved in the permit to install or in accordance with amended and approved design plans; or

(3) The plans for the manure management plan, the insect and rodent control plan and any other plans governing the operation fail to conform to best management practices and to rules of this chapter; or

(4) The facility is not designed or constructed as a non-discharge system or operated to prevent the discharge of pollutants to waters of the state or to otherwise protect water quality; or

(5) The director determines that the applicant or owner or operator has not complied with rule 901:10-1-10 of the Administrative Code.

(B) The director may deny, modify, revoke and reissue, or terminate a permit to install or permit to operate if the owner, operator or persons associated in the ownership or operation of concentrated animal feeding facilities, have a history of substantial noncompliance with the Federal Water Pollution Control Act, the Safe Drinking Water Act, as defined in section 6109.01 of the Revised Code, any other applicable state laws pertaining to environmental protection or environmental laws of another country that indicates that the owner or operator lacks sufficient reliability, expertise, and competence to own or operate the facility in substantial compliance with Chapter 903. of the Revised Code and this chapter.



In evaluating a history of substantial noncompliance as required, the director may consider all of the following for a period of five years preceding the date of the application:

(1) Any information submitted on ownership and background pursuant to rule 901:10-1-02 of the Administrative Code, including the following:

(a) If the owner or operator is a publicly traded corporation, provide the full name and business address of each individual or business concern holding twenty-five per cent or more of the equity in the owner or operator; or

(b) If the owner or operator is a sole proprietor or any other business concern, provide the full name and business address of each individual or business concern holding more than fifty per cent of the equity in the owner or operator;

(c) If the owner or operator is a partnership, as partnership is defined in section 1775.05 of the Revised Code, provide the full name and business address of each individual or business concern holding more than fifty per cent of the equity in the owner or operator; and

(d) If the owner or operator is the recipient of a financial loan to the facility with provisions for the right to control management of the facility or actual control of the facility or the selection of officers, directors, or managers of the facility, identify the full name and business address of each individual or business concern providing the loan.

(2) Any administrative enforcement action (including an administrative order or notice of violation), civil suit, or criminal proceeding that is:

(a) Pending against the owner, operator, or a business concern owned or controlled by the owner or operator;

(b) Resolved or dismissed in a settlement agreement, in a consent order or decrees, is adjudicated or otherwise dismissed and that resulted in the imposition of:

(i) A sanction such as a fine, penalty, payment or work or service performed in lieu of a fine or



penalty; or

(ii) Cessation or suspension of operations.

(c) Any revocation, suspension, or denial of a license or permit or equivalent authorization; or

(d) With respect to paragraph (B)(1)(a) of this rule, any explanation that the applicant or owner or operator may choose to submit.