



Ohio Administrative Code Rule 901:10-1-09 Permit modifications.

Effective: January 1, 2026

(A) No permit to install or permit to operate shall be modified or revoked and reissued unless the proposed modifications are in compliance with this rule. When a permit is modified, only the conditions subject to modification are reopened. When a permit is revoked and reissued, the entire permit is reopened and subject to revision and the permit is reissued for a new term.

(1) If the director decides to modify or revoke and reissue a permit, the director shall prepare a draft permit incorporating the proposed modifications. The director may request additional information and, in the case of a modified permit, may require the submission of an updated application. In the case of a revoked and reissued permit, the director shall require the submission of a new application.

(2) During the review of a permit modification or during any revocation and reissuance proceeding, the owner or operator shall comply with all conditions of the existing permit until a new final permit is issued.

(3) A draft permit incorporating the proposed changes must be prepared and is subject to public notice and public participation procedures as set forth in rules 901:10-6-01 to 901:10-6-06 of the Administrative Code.

(B) The director may propose to modify a permit to install and permit to operate and may seek the consent of the owner or operator. The director may modify any permit for the following reasons which include, but are not limited to:

- (1) Information submitted by the owner or operator requesting to modify the permit;
- (2) Information obtained through inspections;
- (3) A permit is reviewed by the director.



(C) If the director seeks to modify the permit with the consent of the owner or operator and the owner or operator does not provide consent to the director's modification, the director shall issue a notice of the proposed modified permit with the opportunity for an adjudication hearing in accordance with Chapter 119. of the Revised Code.

(D) If the director seeks to modify the permit without seeking the consent of the owner or operator, the director shall issue a notice of the proposed modified permit with the opportunity for an adjudication hearing in accordance with Chapter 119. of the Revised Code.

(E) The owner or operator may submit a written application for modification to the director for approval by the director if the following apply:

(1) The owner or operator is requesting material or substantial alterations or expansions or additions to the facility or other changes defined as a modification; or

(2) New information or data obtained by the owner or operator justify permit conditions in addition to or different from those in the existing permit.

(F) An application for permit modification shall contain the following information:

(1) The name , mailing address, and telephone number of the concentrated animal feeding facility;

(2) The name, mailing address, telephone number, and, if available, electronic mail address of the owner;

(3) The name, mailing address, telephone number, and, if available, electronic mail address of the operator;

(4) A description of the exact nature of the changes to be made;

(5) An explanation of why the modification is needed or requested; and

(6) Applicable technical information in support of the request for modification including but not



limited to, data, records, reports, trend analyses, site plans, engineering plans and specifications, geological explorations and report that show the location and extent of work to be performed or the plan to be modified.

(7) If the director decides that the request for modification is not justified, the requestor and the owner or operator shall be notified in writing and provided the reasons for the director's determination.

(G) If the owner or operator plans a type of change that is not listed in the appendix to this rule, the owner or operator shall submit the information listed in paragraph (J) of this rule to the director. The director shall:

(1) Exercise discretion to determine if the type of change proposed by the owner or operator is a modification, an operational change, or a major operational change;

(2) Notify the owner or operator in writing of the director's determination that the submitted change is a modification, an operational change, a major operational change, the approval or denial of the submitted change and the reasons for such determination to approve or deny.

(3) The owner or operator shall not commence any change, including any construction activity, until the director has acted in accordance with the requirements in paragraph (G)(2) of this rule.

(H) Major operational changes. The owner or operator shall submit to the director any planned major operational change listed in the appendix to this rule in accordance with paragraph (J) of this rule.

The owner or operator shall not commence with any changes, including any construction activity, as proposed in the planned major operational change submitted to the department until:

(1) The department has approved the planned major operational change and has notified the owner or operator in writing of such approval.

(2) If the department determines the planned major operational change submitted by the owner or operator is not approved, the owner or operator shall be notified in writing and provided the reasons



for the department's determination.

(I) Major operational change duration and expiration.

(1) A major operational change will expire after twenty-four months from the date of issuance unless the owner or operator has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time.

(2) The director may extend the expiration of a major operational change upon request of the owner or operator.

(J) An owner or operator's application for a major operational change shall contain the following information:

(1) The name, mailing address, and telephone number of the facility;

(2) The name, mailing address, telephone number, and, if available, electronic mail address of the owner;

(3) The name, mailing address, telephone number, and, if available, electronic mail address of the operator;

(4) A description of the exact nature of the changes requested;

(5) An explanation of why the major operational change is requested; and

(6) Applicable technical information in support of the request for the change, including but not limited to: data, records, reports, trend analyses, site plans, engineering plans and specifications, geological explorations and report that show the location and extent of work to be performed or the plan to be modified.

(K) Operational changes. The owner or operator shall record operational changes in the operating record to be maintained at the facility.



(1) The director may review any operational change and any applicable information with the operational change; and

(2) The director may approve the operational change in writing, or may signify approval of an operational change by signing and dating in the operating record.

(L) Operational changes and/or major operational changes made by the owner or operator and approved by the director in accordance with the requirements of this rule shall be recorded in the operating record as required in rule 901:10-2-16 of the Administrative Code and in the permit to install or permit to operate as applicable.