

*** DRAFT - NOT YET FILED ***

3745-32-02

Applicability.

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-32-01 of the Administrative Code.]

(A) Any applicant for a federal license or permit to conduct any activity which may result in a discharge of dredged or fill material to a navigable water as that term is defined and interpreted under the act shall apply for and obtain a 401 certification from the director.

(B) No person shall engage in an activity requiring a 401 certification prior to obtaining that certification from the director.

(C) No 401 certification issued pursuant to this chapter shall be effective until all applicable fees have been paid.

(D) Exemptions. A 401 certification shall not need to be obtained for the following:

(1) The discharge of dredged or fill material that is part of the construction of a federal project specifically authorized by congress, provided the effects of such discharge are included in an environmental impact statement submitted to congress prior to the actual discharge.

(2) The discharge of material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products, provided a permit under section 404 of the act is not required by the Corps.

(3) Material placed for the purpose of maintenance of existing structures, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, bridge abutments or approaches, and transportation structures, provided a permit under section 404 of the act is not required by the Corps.

(4) Material placed for the purpose of maintenance and repair of drainage improvements authorized pursuant to Chapters 1515., 6131., 6133., or 6137. of the Revised Code, provided a permit under section 404 of the act is not required by the Corps and it meets all of the following conditions:

(a) Placement of the material is for maintenance work performed by, or under contract to, the soil and water conservation district or county engineer's office administering the maintenance fund established for the drainage improvement project (i.e., petition).

- (b) Placement of the material is to keep the drainage improvements in working conditions as they were designed under the authorizing petition.
- (c) The material is for minor maintenance such as rip rap placement to control bank slippage and erosion, tile outlet repair and tile main headwall repair.

Replaces: 3745-32-02, 3745-32-03

Effective:

Five Year Review (FYR) Dates:

Certification

Date

Promulgated Under: 119.03
Statutory Authority: 6111.03
Rule Amplifies: 6111.03
Prior Effective Dates: 9/15/1982