

*** DRAFT - NOT YET FILED ***

3745-1-01

Purpose and 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 3745-1-03 of the Administrative Code.]

- (A) It is the purpose of these water quality standards, ~~Chapter 3745-1 of the Administrative Code in this chapter,~~ to establish minimum water quality requirements for all surface waters of the state, thereby protecting public health and welfare; and to enhance, improve and maintain water quality as provided under the laws of the state of Ohio, section 6111.041 of the Revised Code, the federal Clean Water Act, ~~33 U.S.C. section 1251 et seq.,~~ and rules adopted thereunder.
- (B) Whenever two or more use designations apply to the same surface water, the more stringent criteria of each use designation will apply.
- (C) These water quality standards will apply to all surface waters of the state except as provided in paragraph (D), (E), or (F) of this rule. Compliance schedules may be granted pursuant to rule 3745-33-05 of the Administrative Code.
- (D) These water quality standards will not apply to water bodies when the flow is less than the critical low-flow values determined in rule 3745-2-05 of the Administrative Code.
- (E) The following exceptions will apply only to the specific water quality criteria involved in each case for a reasonable period of time as determined by the director.
- (1) Whenever chemicals are applied for control of aquatic plants or animals, notice must be given to the director before chemicals are applied. The director, upon receiving such notice, may order that chemicals not be applied if ~~he~~the director concludes that the proposed application would pose an unreasonable danger to human or aquatic life. The application of pesticides registered under the Federal Insecticide, Fungicide and Rodenticide Act (~~7 U.S.C. 136 et seq.~~) are permitted without notification to the director when:
- (a) The pesticide is applied in accordance with label instructions; ~~and,~~
- (i) The application is to a pond or lake with a surface area equal to or less than five acres; ~~and,~~
- (ii) The application is not within one mile upstream of a public water

supply intake or within one mile of a reservoir public water supply intake; ~~and.~~

- (iii) The application is not to any wetland, borrow pit, quarry or water body used for public swimming.
- (b) The pesticide is applied under the direction of a local health department or other government agency in a mosquito abatement program.
- (2) Whenever dredging or construction activities occur on or near water bodies or during the period of time when the aftereffects of dredging or construction activities degrade water quality and such activities have been authorized by the United States army corps of engineers ~~and/or~~ by a 401 water quality certification or an isolated wetland permit issued by the Ohio environmental protection agency.
- (3) Whenever coal remining permits are issued pursuant to section 301(p) of the act. This exception applies to pH, iron and manganese for the duration of the remining activity. This exception applies only if: there is a demonstrated potential for improved water quality from the remining operation; and no degradation of existing instream conditions occurs.
- (F) Temporary variances. The director may grant temporary variances from compliance with water quality criteria applicable by this chapter pursuant to rule ~~3745-33-07 of the Administrative Code~~ 3745-1-38 of the Administrative Code.

Effective:

Five Year Review (FYR) Dates: 12/30/2007

Certification

Date

Promulgated Under: 119.03
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