

3745-32-01

Definitions.

In addition to the definitions in rules 3745-1-02, 3745-1-05 and 3745-1-50 of the Administrative Code, the following definitions apply to this chapter.

(A) "33 C.F.R." and "40 C.F.R." means Title 33 and Title 40, respectively, of the Code of Federal Regulations effective July 1, 2015.

[The Code of Federal Regulations can be generally found in public libraries, and can be viewed electronically online at <http://www.gpo.gov/fdsys/> and purchased by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."]

(B) "401 certification" means a Section 401 water quality certification from Ohio EPA, pursuant to section 401 of the act, Chapter 6111. of the Revised Code and this chapter, that any discharge, as set forth in section 401, shall comply with sections 301, 302, 303, 306 and 307 of the act.

(C) "Act" means the Federal Water Pollution Control Act amendments of 1972, 86 Stat. 886 (commonly referred to as the Clean Water Act), 33 U.S.C. sections 1251 to 1387, as amended through July 1, 2015.

[The act can be generally found in public libraries, and can be viewed electronically online at <http://www.gpo.gov/fdsys/> and purchased by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."]

(D) "Applicant" means any person required to obtain a 401 certification from the Ohio EPA.

(E) "Corps" means the United States army corps of engineers.

(F) "Discharge of dredged material" means any addition of dredged material into, including redeposit of dredged material other than incidental fallback, as those terms are construed under federal law, within waters of the state.

(1) Discharge of dredged material includes, but is not limited to, the following:

(a) The addition of dredged material to a specified discharge site located in waters of the state.

(b) The runoff or overflow, associated with a dredging operation, from a contained land or water disposal area.

(c) Any addition, including redeposit other than incidental fallback, of dredged material, including excavated material, into waters of the state which is incidental to any activity including mechanized landclearing, ditching, channelization, or other excavation.

(2) Discharge of dredged material does not include the following:

(a) Discharges of pollutants into waters of the state resulting from the onshore subsequent processing of dredged material that is extracted for any commercial use (other than fill). These discharges are subject to section 402 of the Clean Water Act even though the extraction and deposit of such material may require a permit from the Corps or applicable state.

(b) Activities that involve only the cutting or removing of vegetation above the ground (e.g., mowing, rotary cutting, and chainsawing) where the activity neither substantially disturbs the root system nor involves mechanized pushing, dragging, or other similar activities that redeposit excavated soil material.

(c) Incidental fallback.

(G) "Discharge of fill material" means the addition of fill material into waters of the state. The term generally includes, without limitation, the following: placement of fill that is necessary for the construction of any structure or infrastructure in a water of the state; the building of any structure, infrastructure, or impoundment requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands; property protection and/or reclamation devices such as riprap, groins, seawalls, breakwaters, and revetments; beach nourishment; levees; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants and subaqueous utility lines; placement of fill material for construction or maintenance of any liner, berm, or other infrastructure associated with solid waste landfills; placement of overburden, slurry, or tailings or similar mining related materials; and artificial reefs.

(H) "Dredged material" means material that is excavated or dredged from waters of the state.

(I) "Fill material" means any material used to fill a surface water of the state, to replace a surface water of the state with dry land, or to change the bottom elevation of a surface water of the state, and that consists of suitable material that is free from toxic contaminants in other than trace quantities.

(J) "General permit" means a Corps authorization that is issued on a nationwide or regional basis for a category or categories of activities.

(K) "Letter of permission" means a Corps permit issued through an abbreviated processing procedure which includes coordination with federal and state fish and wildlife agencies, as required by the fish and wildlife coordination act and a public interest evaluation but without the publishing an individual public notice.

(L) "Nationwide permit" means a type of Corps general permit which authorizes activities on a nationwide basis unless specifically limited.

(M) "Ohio EPA" means the Ohio environmental protection agency or its director, as the context or other law or regulations may require.

(N) "Person" means the same as defined in Chapter 6111.01 of the Revised Code.

(O) "Regional permit" means a type of Corps general permit that has been issued for certain specified activities on a regional basis.

(P) "The Rivers and Harbors Act" means the Rivers and Harbors Act of 1899, 30 Stat. 1151, 33 U.S.C. 401, as amended through July 1, 2015.

[The Rivers and Harbors Act can be generally found in public libraries, and can be viewed electronically online at <http://www.gpo.gov/fdsys/> and purchased by writing to: "Superintendent of Documents, Attn: New Orders, PO Box 371954, Pittsburgh, PA 15250-7954."]

(Q) "Waters of the state" means the same as defined in Chapter 6111.01 of the Revised Code.

(R) "Wetland" means the same as defined in Chapter 6111.02 of the Revised Code.

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CERTIFIED ELECTRONICALLY

Certification

10/04/2016

Date

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