

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) The purpose of these water quality standards, in this chapter, is 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, 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 applies.
- (C) These water quality standards 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 do 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) General exceptions. The following exceptions apply only to the specific water quality criteria involved in each case for a reasonable period of time as determined by the director:
 - (1) Pesticide chemicals applied for control of aquatic plants or animals in the intended application area, if the following conditions are met:
 - (a) The pesticide is applied in accordance with label instructions.
 - (b) The pesticide is applied consistent with a national pollutant discharge elimination system (NPDES) permit, if an NPDES permit for the activity is in force.
 - (c) If an NPDES permit for the activity is not in force, notice must be given to the director if the proposed application is for any of the following:
 - (i) Algae, weed or nuisance animal control in public water supply reservoirs.
 - (ii) Nuisance fish control.
 - (iii) Algae, weed or nuisance animal control in waters classified in rule 3745-1-05 of the Administrative Code as outstanding national

resource waters, outstanding state waters or superior high quality waters other than lake Erie.

(iv) Algae or weed control in lake Erie done by aircraft.

(v) Forest pest control.

The director, upon receiving such notice, may order that the chemicals not be applied if the director concludes that the proposed application would pose an unreasonable danger to human or aquatic life.

(2) Exceptions for water quality disturbance caused by construction activities. Temporary exceptions may apply whenever construction occurs on or near water bodies or during the period of time when the aftereffects of construction activities degrade water quality and such activities have been authorized by any of the following:

(a) The United States army corps of engineers or by a section 401 water quality certification.

(b) A state isolated wetland permit issued by the Ohio environmental protection agency.

(c) A construction storm water permit for earth disturbing activities greater than one acre 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) Criteria and exceptions for dredging and depositing of dredged material. The following criteria and exceptions apply only to the specific water quality criteria involved in each case for a reasonable period of time as determined by the director:

(1) Criteria applied in lake Erie. The following criteria apply on and after the specified dates for dredging work associated with the regular maintenance of federal navigation channels and ports on lake Erie:

(a) On and after the effective date of this rule, the deposit of dredged material shall not result in a modeled increase in "bioaccumulation" of a "bioaccumulative chemical of concern" as those terms are defined in rule 3745-1-02 of the Administrative Code.

- (b) Beginning on and after July 1, 2020, there shall be no deposit of dredged material unless the director authorizes the deposit of dredged material pursuant to division (C) of section 6111.32 of the Revised Code or makes a determination pursuant to division (E) of section 6111.32 of the Revised Code.
- (2) Exceptions from other criteria. Temporary exceptions from criteria other than those found in paragraph (F)(1) of this rule may apply whenever dredging and depositing of dredged material occurs on or near water bodies or during the period of time when the aftereffects of dredging activities degrade water quality and such activities have been authorized by the United States army corps of engineers and by a section 401 water quality certification or state isolated wetland permit issued by the Ohio environmental protection agency.
- (G) Temporary variances. The director may grant temporary variances from compliance with water quality criteria applicable by this chapter pursuant to rule 3745-1-38 of the Administrative Code.

Replaces:	3745-1-01
Effective:	1/2/2018
Five Year Review (FYR) Dates:	01/02/2023
Promulgated Under:	119.03
Statutory Authority:	6111.041
Rule Amplifies:	6111.041, 6111.32
Prior Effective Dates:	2/14/1978, 4/4/1985, 5/1/1990, 10/31/1997, 4/17/2001 (Emer.), 12/30/2002, 2/6/2017