

For Interested Party Review - February 2006 Draft

3745-1-56 Stream antidegradation and mitigation.

- (A) The provisions in this rule apply in addition to the provisions in rule 3745-1-05 of the Administrative Code.
- (B) The designated use defined in rule 3745-1-02 of the Administrative Code and the existing stream use shall be maintained and protected such that degradation of surface waters through direct, indirect, or cumulative impacts does not result in the net loss of stream functions in accordance with paragraphs (C) and (D) of this rule.
- (C) Stream avoidance and minimization.

The designated and existing stream uses shall be maintained and protected unless the applicant demonstrates, to the satisfaction of the director, the following:

- (1) Avoidance. There is no practicable alternative that would avoid all or some adverse impact on the stream ecosystem; and
 - (2) Minimization. There is no practicable alternative that would have less adverse impact on the stream ecosystem; and
 - (3) The impact would not result in significant degradation to the aquatic ecosystem, as determined consistent with 40 C.F.R. 230.10(c) (45 Fed. Reg. 85336, December 24, 1980); and
 - (4) Compensatory mitigation. Potential impacts on the stream ecosystem are compensated for in accordance with paragraph (D) of this rule.
- (D) Stream mitigation requirements.
- (1) When compensatory mitigation is approved, it shall be approved in accordance with “Compensatory Mitigation Requirements for Stream Impacts in the State of Ohio, Revision 4.0, (add date)” for all applications submitted on or after (date certain).
 - (2) Mitigation requirements on any application submitted prior to (date certain) shall be determined on a case-by-case basis.

Effective:

R.C. 119.032 rule review date: None

Certification

Date

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