

For Interested Party Review - February 2006 Draft

3745-32-01 Definitions.

For the purposes of this chapter the following definitions shall apply 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) “Applicant” means any person required to obtain a section 401 water quality certification from the Ohio EPA.
- (B) “Director” means the director of the Ohio EPA or his duly authorized representative.
- (C) “Discharge of dredged material” means ~~any addition of dredged material, in excess of one cubic yard when used in a single or incidental operation, into waters of the state. The term includes, without limitation, the addition of dredged material to a specified disposal site which is located in waters of the state, or the runoff or overflow of dredged material from a contained land or water disposal area which enters the waters of the state. Discharges of pollutants into waters of the state resulting from the subsequent onshore processing of dredged material that is extracted for any commercial use (other than fill) are not included within this term and are subject to section 402 of the Federal Water Pollution Control Act, even though the extraction of such material may require a permit from the army corps of engineers under section 10 of the Rivers and Harbors Act.~~ any addition of dredged material into waters of the state, including redeposit of dredged material other than incidental fallback. The term includes, but is not limited to, the addition of dredged material to a specified discharge site located in waters of the state; the runoff or overflow from a contained land or water disposal area; and 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 land clearing, ditching, channelization, or other excavation. For the purposes of this rule, the director considers any amount of dredged material less than one cubic yard to be incidental fallback.
- (D) “Discharge of fill material” means the addition of fill material into waters of the state for the purpose of creating ~~fastlands~~ uplands, ~~elevations~~ changing the elevation of land beneath waters of the state, or ~~for creating~~ impoundments of water. The term includes, but is not limited to, the placement of the following in waters of the state: fill that is necessary to the construction of any structure; structures or impoundments requiring rock, sand, dirt, or other pollutants 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 or reclamation devices such as riprap, groins, seawalls, breakwalls, bulkheads and fills; beach nourishment; levees; sanitary landfills; fill for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and subaqueous utility lines; or artificial reefs.
- (E) “Dredged material” means material that is excavated or dredged from waters of the state. The

term does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products.

- (F) “Federal Water Pollution Control Act” means the Federal Water Pollution Control Act Amendments of 1972, 86 Stat. 886, 33 U.S.C. 1251 et seq., as amended through July 1, 2005.
- (G) “Fill material” means any ~~pollutant material~~ used to fill an aquatic area, create fill to replace an aquatic area with dry land or to change the bottom elevation of a water body for any purpose, and that consists of suitable material that is free from toxic contaminants in other than trace quantities. “Fill material” does not include either of the following:
- (1) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products; or
 - (2) 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.
- (H) “General permit” means a department of the army authorization that is issued for a category or categories of discharges of dredged or fill material that are substantially similar in nature and that cause only minimal individual and ~~cumulative~~ cumulative adverse environmental impact.
- (I) “Nationwide permit” means a department of the army authorization that has been issued for certain specified activities nationwide.
- (J) “Ohio EPA” means the Ohio environmental protection agency or its director, as the context or other law or regulations may require.
- (K) ““Person” means ~~the state of Ohio, or any municipal corporation, political subdivision of the state, person as defined in section 1.59 of the Revised Code, or interstate body created by compact, or the federal government or any department, agency, or instrumentality thereof~~. the same as defined in Section 6111.01 of the Revised Code.
- (L) “Section 401 water quality certification” means certification from Ohio EPA, pursuant to section 401 of the Federal Water Pollution Control Act, Chapter 6111. of the Revised Code and Chapter 3745-32 of the Administrative Code, that any discharge, as set forth in section 401, will comply with sections 301, 302, 303, 306 and 307 of the Federal Water Pollution Control Act.
- (M) “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, 2005.

- (N) ~~“Waters of the state” means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems and all other bodies or accumulations of water, surface and underground, natural or artificial, which are situated wholly or partly within, or border upon, this state, or are within its jurisdiction, except those private waters which do not combine or effect a junction with natural surface or underground waters, including those waters that are presently used, have been used or are susceptible to use to transport interstate commerce up to the head of navigation. the same as defined in Section 6111.01 of the Revised Code.~~
- (O) ~~“Wetlands” are areas where the water table is at, near, or above the land surface long enough each year to support the growth of water dependent vegetation and to result in the formation of characteristic wet soil types. These include marshes, swamps, bogs and similar areas are defined in section 6111.02 of the Revised Code and rule 3745-1-02 of the Administrative Code.~~

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Certification

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