

901:13-1-20

**Designating watersheds in distress.**

(A) The director may designate a watershed to be in distress; and ~~thereby within the designated watershed boundaries~~ set requirements for: ~~the storage, handling and land application of manure; and/or the control of the erosion of sediment and substances attached thereto; and associated nutrient management plans for land and operations within the designated watershed boundaries. In~~

(1) Storage, handling, and land application of manure;

(2) Control of the erosion of sediment and substances attached thereto; and

(3) Associated nutrient management plans for land and operations.

(B) In evaluating a potential designation, the director may consider whether:

(1) The watershed is listed as impaired by nutrients and/or sediments from agricultural sources as determined by the director of the Ohio environmental protection agency and published in the "~~Ohio Integrated Water Quality Monitoring and Assessment Report~~" pursuant to Section 303(d) of the Federal Water Pollution Control Act integrated water quality monitoring and assessment report which can be found by visiting the Ohio environmental protection agency's website [www.epa.ohio.gov](http://www.epa.ohio.gov); or waters

(2) The waters are identified as such in an approved "~~Total Maximum Daily Load Report~~" total maximum daily load report pursuant to rule 3745-2-12 of the Ohio Administrative Code as required by Section 303(d) of the Federal Water Pollution Control Act;

~~(2)~~(3) The watershed or a portion of the watershed exhibits conditions that are a threat to public health based on information provided by the Ohio department of health or local health district;

~~(3)~~(4) Streams, lakes, or other waterbodies within the watershed exhibit periodic evidence of algal and/or cyanobacterial blooms capable of producing toxins that are harmful to humans, domestic animals, or wildlife;

~~(4)~~(5) There is a threat to, or presence of contaminants in public or private water supplies;

~~(5)~~(6) There is a threat to, or presence of contaminants in a primary contact recreational water or a bathing water as designated in Chapter 3745-1 of the Administrative Code;

- ~~(6)~~(7) Other unacceptable nuisance conditions exist including the depletion of dissolved oxygen in water that results in impacts to aquatic life;
- ~~(7)~~(8) Other situations as determined by the director upon consultation with other federal, state and local agencies.
- ~~(B)~~(C) Prior to proposing to designate a watershed in distress, the director shall prepare and issue a report documenting the factors in the watershed relating to the items in paragraph ~~(A)~~(B) of this rule.
- ~~(C)~~(D) No designation of a watershed in distress shall be issued until the Ohio soil and water conservation commission consents by a majority vote to a proposed designation.
- ~~(D)~~(E) The director may remove the watershed in distress designation upon reasonable confirmation of a sustained recovery, restoration, and mitigation of the factors leading to the original designation.

Effective:

Five Year Review (FYR) Dates: 3/5/2018

---

Certification

---

Date

Promulgated Under: 119.03  
Statutory Authority: 939.02  
Rule Amplifies: 939.02  
Prior Effective Dates: 12/23/2010, 12/31/2015 (Emer.), 04/01/2016