

901:13-1-20

Designating watersheds in distress.

(A) The director may designate a watershed to be in distress, and thereby 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 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 environmental protection and published in the "Ohio Integrated Water Quality Monitoring and Assessment Report" pursuant to Section 303(d) of the Federal Water Pollution Control Act or waters are identified as such in an approved "Total Maximum Daily Load Report" pursuant to rule 3745-2-12 of the Administrative Code as required by Section 303(d) of the Federal Water Pollution Control Act;
- (2) 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) 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) There is a threat to, or presence of contaminants in public or private water supplies;
- (5) 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) Other unacceptable nuisance conditions exist including the depletion of dissolved oxygen in water that results in impacts to aquatic life;
- (7) Other situations as determined by the director upon consultation with other federal, state and local agencies.

(B) 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) of this rule.

(C) 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) 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.

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Certification

Date

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