



Ohio Administrative Code Rule 1501:3-12-01 General provisions.

Effective: April 4, 2019

(A) Purpose.

Rules 1501:3-12-01 to 1501:3-12-06 of the Administrative Code to apply to the control of pollutants from areas within the state used for silvicultural operations, including land being used as private, industrial, commercial, and public woodlands.

Rules 1501:3-12-01 to 1501:3-12-06 of the Administrative Code establish state standards for a level of management and conservation practices for silvicultural operations in order to abate excessive soil erosion of the pollution of waters of the state by soil sediment including pollutants attached to the sediment. These rules further define Ohio's forestry pollution abatement fund for landowners or operators to voluntarily install best management practices.

These rules are intended for the use in determining the acceptability of best management practices used by landowners and operators of silvicultural operations. Technical determinations by a district, chief, or chief's designee shall be considered prima facie evidence of forestry pollution.

(B) Definitions. As used in rules 1501:3-12-01 to 1501:3-12-06 of the Administrative Code:

(1) "Best management practice" or "BMP" means a practice or combination of practices that is determined to be the most effective practicable (including technological, economic, and institutional considerations) means of preventing or reducing forestry pollution sources to a level compatible with water quality goals. BMPs may include structural and nonstructural practices, conservation practices, and operation and maintenance procedures.

(2) "BMPs for Erosion Control for Logging Procedures in Ohio" means the current edition of "BMPs for Erosion Control for Logging Practices in Ohio" prepared by the division of forestry, Ohio department of natural resources. Copies of this publication are available at local soil and water conservation district offices.



- (3) "Chief" means chief of the division of forestry, department of natural resources.
- (4) "Chief's designee" means any division of forestry employee, soil and water conservation district employee, or soil and water conservation district supervisor who the chief has given the responsibility to implement the forestry pollution abatement program.
- (5) "Conservation" means the wise use and management of natural resources.
- (6) "Cost-share monies" means state of Ohio public funds used for the purpose of sharing the cost of establishing needed pollution abatement practices.
- (7) "District" means a soil and water conservation district and has the same meaning as section 940.01 of the Revised Code.
- (8) "Division" means the division of forestry, department of natural resources.
- (9) "Forestry pollution" means failure to use management or conservation practices in silvicultural operations to abate wind or water erosion of the soil or to abate the degradation of the waters of the state by soil sediment, including attached substances, from silvicultural operations.
- (10) "Person" means an individual, partnership, corporation, business trust, estate, trust association or other legal entity, or any political subdivision, instrumentality or agency of the state or the United States.
- (11) "Prime facie evidence" means law evidence adequate to establish a fact or raise a presumption of fact unless refuted.
- (12) "Primary contact recreation resource water" means water that, during the recreation season of May first to October fifteenth, are suitable for full-body contact recreation such as, but not limited to, swimming, canoeing, and scuba diving with minimal threat to public health as a result of water quality.



(13) "Silvicultural" means the theory and practice of planning, planting, thinning, pruning, growing, and harvesting of trees.

(14) "Silvicultural operation" means forest management activities including but not limited to harvesting of timber, including the felling, skidding, on-site processing, and loading of trees or logs onto trucks; construction, maintenance and closure of forest roads and trails; thinning of trees; and planting of trees, including preparation and maintenance.

(15) "Timber harvest plan" means a written record, developed or approved by the chief of the division of forestry, the chief's designee, or the soil and water conservation district that contains implementation schedules and operational procedures for a level of land and water management that will abate wind or water erosion of the soil or abate the degradation of the waters of the state by soil sediment from silvicultural operations and descriptions of timber harvest methods. The procedures in this plan should be consistent with "BMPs for erosion control for logging practices in Ohio".

(16) "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, regardless of the depth of the strata in which underground water is located, 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.