



Ohio Administrative Code Rule 3745-32-02 Applicability.

Effective: July 20, 2024

[Comment: For dates of non-regulatory government publications, publications of recognized organizations and associations, federal rules and federal statutory provisions referenced in this rule, see rule 3745-32-01 of the Administrative Code.]

(A) Any applicant for a federal license or permit to conduct any activity which may result in a discharge to a water of the state shall apply for and obtain a 401 certification from Ohio EPA including:

- (1) A permit from the army corps of engineers pursuant to section 10 of the Rivers and Harbors Act.
- (2) A permit from the army corps of engineers pursuant to section 404 of the Federal Water Pollution Control Act.
- (3) A permit from the army corps of engineers pursuant to both section 10 of the Rivers and Harbors Act and section 404 of the Federal Water Pollution Control Act.
- (4) Any other federal permit or license to conduct any activity which may result in a discharge to a water of the state.

(B) No person shall engage in an activity requiring a 401 certification prior to obtaining that certification from Ohio EPA.

(C) No 401 certification issued pursuant to this chapter is effective until all applicable fees have been paid.

(D) Exemptions. No 401 certification need be obtained for the following:

- (1) The discharge of dredged or fill material that is part of the construction of a federal project



specifically authorized by congress, provided the effects of such discharge are included in an environmental impact statement submitted to congress prior to the actual discharge.

(2) The discharge of dredged or fill material for any activity that is not prohibited by or otherwise subject to regulation under Section 404 of the act as specifically set forth in 33 C.F.R. 323.4 provided that no other federal license or permit is necessary.