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# Ohio Administrative Code

## Rule 3745-33-01 Definitions.

Effective: November 12, 2026

Except as otherwise provided in this rule, the definitions in sections 6111.01 and 6111.13 of the Revised Code have the same meaning in this chapter as in those sections.

(A)

(1) "Act" means Federal Water Pollution Control Act (commonly referred to as the Clean Water Act) 33 U.S.C. sections 1251 to 1387 as amended through July 1, 2017.

(2) "Administrator" means the administrator of the United States environmental protection agency.

(3) "Applicable water quality standards" means all water quality standards that apply under Chapter 3745-1 of the Administrative Code and under federal regulations to the waters of the state, except as defined in rule 3745-33-07 of the Administrative Code.

(4) "Applicable effluent guideline" means a treatment-technology performance standard, prohibition or other performance standard promulgated by U.S. EPA under section 301, 306, or 307 of the act.

(5) "Applicable effluent standards and limitations" means all state and federal effluent standards and limitations to which a discharge is subject under the act, including but not limited to, effluent limitations, standards of performance, toxic effluent standards and prohibitions and pretreatment standards.

(6) "Applicant" means any person who applies for an Ohio NPDES permit.

(7) "Application" means the form used to apply for an Ohio NPDES permit.

(8) "Area of initial mixing" or "AIM" means the limited zone where discharge-induced mixing causes the effluent to mix rapidly with the receiving water such that the area is not physically inhabitable by aquatic life. The inside mixing zone maximum criteria may be exceeded within the AIM, but is to be met on the perimeter of the AIM.

(9) "At risk" means the condition where a water body narrowly attains or shows non-significant departure from its designated aquatic life use determined using the biological criteria in rule 3745-1-07 of the Administrative Code, but is expected to become impaired based on the "Stream Nutrient Assessment Procedure" in rule 3745-2-04 of the Administrative Code.

(B)

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(1) "Best management practices" or "BMPs" means activities, prohibitions or practices, maintenance procedures and other management practices to prevent or reduce the pollution of waters of the state. BMPs also include treatment, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

(2) "Biological index measurement" means a measurement of fish or macroinvertebrate communities in a water of the state using the index of biological integrity (IBI), modified index of well being(MIwb), or the invertebrate community index (ICI) indices as specified in "Biological Criteria for the Protection of Aquatic Life: volumes I, II, and III as referenced in paragraph (B)(3)(a) of rule 3745-1-03 of the Administrative Code.

(3) "Building sewer" means the part of the horizontal piping of drainage system that receives and conveys the discharge from a building drain to the public sanitary sewer, private sanitary sewer or other point of disposal.

(C) "Cost effective" means the optimum combination of monetary costs, environmental impacts, system operability and reliability and public acceptance.

(D)

(1) "D80" means the lowest stream flow rate that is observed or exceeded eighty per cent of the time, as determined by VonIns and Koltun, 2024, or at the director's discretion.

(2) "Director" means the director of the Ohio environmental protection agency.

(3) "Discharge" means discharge of any pollutant or pollutants from a point source.

(4) "Discharge of a pollutant or pollutants" means any addition of any pollutant to waters of the state from a point source.

(5) "Domestic sewage" means waste and wastewater from household operations that are discharged to or otherwise enter treatment works.

(E) "EC50" means the median effective concentration which is a statistically or graphically estimated concentration that is expected to cause one or more specified effects in fifty per cent of a group of organisms under specified conditions.

(F) "Federal NPDES permit application" means an application for a discharge permit filed under the 1899 Refuse Act (33 U.S.C. sections 407 to 426 as amended through July 1, 2017) or an application for a discharge permit filed under the act.

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(G) [Reserved.]

(H) [Reserved.]

(I) "Impaired" means the condition where a water body does not attain its designated aquatic life use as determined using the biological criteria in rule 3745-1-07 of the Administrative Code and the data evaluation protocols described in the appendix to rule 3745-2-04 of the Administrative Code.

(J) [Reserved.]

(K) [Reserved.]

(L) "LC50" means the median lethal concentration which is a statistically or graphically estimated concentration that is expected to be lethal to fifty per cent of a group of organisms under specified conditions.

(M)

(1) "Method detection limit" or "MDL" means the same as defined in section 6111. 13 of the Revised Code.

(2) "Minimum level" or "ML" means the same as defined in 40 C.F.R. 132.

(N)

(1) "Nonpoint source" means any source of pollutants other than those defined or designated as point sources.

(2) "NPDES" means national pollutant discharge elimination system.

(3) "Nutrients" means minerals that are essential to cellular growth and biological function. In the context of this rule, phosphorus and nitrogen are the nutrients involved in the eutrophication of waters.

(O)

(1) "Ohio EPA" means the Ohio environmental protection agency or its director.

(2) "Ohio NPDES permit" means a permit issued by the state of Ohio for a point source discharge that authorizes discharge levels to be protective of human health and the environment.

(P)

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(1) "Person" means the same as defined in section 6111.01 of the Revised Code.

(2) "Point source" means any discernible, confined and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged.

(3) "Pollutant" means sewage, industrial waste or other waste as defined by divisions (B) to (D) of section 6111.01 of the Revised Code.

(4) "Practical quantification level" or "PQL" means the same as defined in section 6111.13 of the Revised Code.

(5) "Preliminary effluent limit" or "PEL" means the most stringent applicable wasteload allocation (WLA) expressed as both an average and a maximum. The average PEL is the lowest WLA to maintain chronic criteria and the maximum PEL is the lowest WLA to maintain acute criteria.

(6) "Process wastewater" means any water that during manufacturing or processing comes into direct contact with, or results from, the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

(7) "Projected effluent quality" or "PEQ" means the estimated level of a pollutant in an effluent, as established in rule 3745-2-04 of the Administrative Code.

(8) "Publicly owned treatment works" or "POTW" means any device or system used in the treatment (including recycling and reclamation) of domestic sewage or industrial waste of a liquid nature that is owned by a municipality, county or state entity or any public body created under state law that has authority over disposal of sewage.

(Q) "Quantification level" or "QL" means the same as defined in 40 C.F.R. 132.2.

(R)

(1) "Reasonable potential" means the likelihood of a pollutant to cause or contribute to an excursion of water quality standards.

(a) For determinations of reasonable potential with respect to numeric chemical-specific water quality standards, a grouping system for assessing whether to establish water quality based effluent limitations as limits in NPDES permits consists of five categories that rank the reasonable potential. The grouping criteria are described in rule 3745-02-06 of the Administrative Code.

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(b) For determinations of reasonable potential with respect to whole effluent toxicity, procedures are described in rules 3745-02-09 and 3745-33-07 of the Administrative Code.

(c) For determinations of reasonable potential to cause or contribute to exceedances of the narrative criteria in rule 3745-1-04 of the Administrative Code, the director will use available environmental indicators (chemical, physical, biological) relative to the specific criterion being evaluated and modeling appropriate to the indicator designed to relate the source being evaluated to the indicator of the specific narrative criterion.

(2) "Regional administrator" means the administrator of U.S. environmental protection agency, region V.

(3) "Reservoir" means any impoundment, or any potential impoundment, that will be created by a dam.

(S)

(1) "Schedule of compliance" means the same as defined in section 6111.01 of the Revised Code.

(2) "Semi-public disposal system" means a disposal system that treats the sanitary sewage discharged from publicly or privately owned buildings or place of assemblage, entertainment, recreation, education, correction, hospitalization, housing or employment, but does not include a disposal system that treats sewage in amounts of more than twenty-five thousand gallons per day; a disposal system for the treatment of sewage that is exempt from the requirements of division (F) of section 6111.04 of the Revised Code; or a disposal system for the treatment of industrial waste.

(3) "Septage" means the liquid and solid material pumped from a septic tank, cesspool, or similar domestic sewage treatment system or a holding tank when the system is cleaned and maintained.

(4) "Sewage sludge" means the same as defined in section 6111.01 of the Revised Code.

(5) "SNAP" or "Stream Nutrient Assessment Procedure" means the procedure in paragraph (H) of rule 3745-2-04 of the Administrative Code, which describes the weight of evidence approach for determining the trophic status of Ohio's streams and rivers.

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(6) "Surface waters of the state" or "water bodies" means the same as defined in rule 3745-1-02 of the Administrative Code.

(T)

(1) "Tier I criteria" means the same as defined in rule 3745-1-02 of the Administrative Code.

(2) "Tier II values" means the same as defined in rule 3745-1-02 of the Administrative Code.

(3) "Total maximum daily load" or "TMDL" means the sum of the existing or projected point source, nonpoint source, and background loads for a pollutant to a specified watershed, water body, or water body segment. A TMDL sets and allocates the maximum amount of a pollutant that may be introduced into the water and still ensures attainment and maintenance of water quality standards.

(4) "Total toxic organic pollutants" or "toxic organics" means the organic chemicals listed in 40 C.F.R. Part 122, Appendix D.

(5) "Total toxic organics" or "TTO" means the subset of toxic organic pollutants regulated in federal treatment technology-based standards in 40 C.F.R. Parts 401 through 471.

(6) "Toxicity test" means a test that determines the toxicity of a chemical, substance, wastewater effluent or other aqueous mixture, using living organisms. A toxicity test measures the degree of response of exposed test organisms to a specific chemical substance, wastewater effluent or other aqueous mixture.

(7) "Treatment additive" means a chemical or substance used to improve the characteristics of incoming water or to treat wastewater for purposes such as corrosion inhibition, particle flocculation or disinfection. These include substances used in cooling water, boiler water or in wastewater treatment systems.

(8) "Treatment technology-based effluent limitations" or "TBELs" means limits established based on the performance of treatment technologies. These include federal treatment standards established in 40 C.F.R. Part 133, and 40 C.F.R. Parts 401 through 471 as amended through July 1, 2017, best available demonstrated control technology (BADCT) treatment standards established by Ohio EPA pursuant to rule 3745-1-05 of the Administrative Code, and any such limitations established pursuant to rules 3745-33-05 and 3745-33-06 of the Administrative Code.

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(U)

(1) "Upground reservoir" means a reservoir formed by artificial barriers on two or more sides and that impounds water or liquefied material pumped or otherwise imported from an exterior source. Lagoons are considered upground reservoirs.

(2) "U.S. EPA" means the United States environmental protection agency.

(V) [Reserved.]

(W)

(1) "Wasteload allocation" or "WLA" means the portion of a receiving water's loading capacity that is allocated to one of its existing or future point sources of pollution. In the absence of a TMDL or TMDL implementation plan, a WLA is the allocation for an individual point source that ensures that the level of water quality to be achieved by the point source is derived from and complies with all applicable water quality standards.

(2) "Wastewater treatment facility" means treatment works as defined by division (F) of section 6111.01 of the Revised Code that convey or may convey effluents that will be discharged into the waters of the state.

(3) "Water quality based effluent limitation" or "WQBEL" means an effluent limitation determined on the basis of water quality standards (contained in Chapter 3745-1 of the Administrative Code) or wasteload allocation procedures (contained in Chapter 3745-2 of the Administrative Code).

(4) "Waters of the state" means the same as defined in section 6111.01 of the Revised Code.

(5) "WET level" means numeric values defined in rule 3745-2-09 of the Administrative Code.

(6) "Whole effluent toxicity" or "WET" means the total toxic effect of an effluent measured directly with a toxicity test.

(X) [Reserved.]

(Y) [Reserved.]

(Z) [Reserved.]

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(AA) Incorporation by reference. The text of the incorporated materials is not included in the rules contained in this chapter. The materials are hereby made a part of this chapter. For materials subject to change, only the version specified in this rule is incorporated. Any amendment or revision to a referenced document is not incorporated unless and until this rule has been amended to specify the new version.

(1) Availability. The materials incorporated by reference are available as follows:

(a) Code of federal regulations (C.F.R.). Information and copies may be obtained by writing to: "U.S. Government Publishing Office Bookstore, 710 North Capitol Street N.W., Washington, D.C. 20403." The full text of the C.F.R. is also available in electronic format at https://www.govinfo.gov/. The C.F.R. compilations are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(b) Federal statutes. The full text is available in electronic format at http://www.gpo.gov/fdsys. These laws are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(c) Other publications. The availability of these documents is provided in paragraph (AA)(2) of this rule. However, many of the documents are also available for inspection and copying at most public libraries and "The State Library of Ohio."

(2) Incorporated materials.

(a) Appropriate "Federal Statutes." The statutes listed in this rule are those versions of the laws amended through July 1, 2025, including the following:

(i) 1899 Refuse Act, 33 U.S.C. sections 407 to 426.

(ii) Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 U.S.C. sections 9601 to 9675.

(iii) Federal Water Pollution Control Act (commonly referred to as the Clean Water Act), 33 U.S.C. sections 1251 to 1387.

(iv) Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 to 6992.

(b) Appropriate "Code of Federal Regulations." As used in this chapter "40 C.F.R." means Title 40 of the Code of Federal Regulations as amended

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through July 1, 2025 and "50 C.F.R." means Title 50 of the Code of Federal Regulations as amended through July 1, 2025.

(c) VonIns, B.L., and Koltun, G.F. 2024, Low-flow statistics computed for streamflow gages and methods for estimating selected low-flow statistics for ungaged stream locations in Ohio, water years 1975-2020 (ver. 1. 1, October 2024): U.S. geological survey scientific investigations report 2024-5075.