



Ohio Revised Code

Section 6111.316 Exceptions from ephemeral feature mitigation requirements.

Effective: July 21, 2022

Legislation: House Bill 175 - 134th General Assembly

Sections 6111.31 to 6111.315 of the Revised Code do not apply to, and the director of environmental protection shall not impose any additional requirements upon, an activity associated with an ephemeral feature that is a water of the state if the activity is either of the following:

(A) A restoration or enhancement project that will result in a net improvement of water quality. Such projects may include a project under section 319 of the Federal Water Pollution Control Act, an H2Ohio project, a water resource restoration sponsor program, a wetland mitigation bank, or an in-lieu fee mitigation project. To qualify under this exception, a person shall submit a demonstration as part of a mitigation proposal that the project will result in a net improvement in water quality.

(B) A project for the filling or discharge of dredged material into an ephemeral feature that is a water of the state that impacts three one-hundredths of an acre or less of streambed. For purposes of this division, if culvert maintenance or replacement is involved in the project, only an impact to an ephemeral feature that is a water of the state that goes beyond the enclosed configuration of the existing culvert structure shall be included in the calculation of the impacted streambed acreage.
