

US EPA ARCHIVE DOCUMENT

ODNR-DSWR

Distressed Watershed Rules



Objectives

- DSWR Rules Background
- New Rules
- Distressed Watershed Criteria
- Grand Lake St. Marys Designation

DSWR Agricultural Pollution Abatement Rules

- Been on the books for about 30 years and revised late 2010
- Based on ORC 1511.02 “Chief of division...shall adopt rules to abate... the degradation of waters of the state by animal waste.
- ODNR-SWCD partnership is key.

New Rules-

- *Tighten up definitions*
- *Clarified design approval process*
- *Expedited Chief's Order Process*
- **Added Distressed Watershed Option:**
 - Land application of manure
 - Nutrient Management Plan Requirements

Key Changes for Distressed Watersheds

- 1501:15-5-05 Land Application of Manure
- 1501:15-5-19 Nutrient Management Plans
- 1501:15-5-20 Designating Watersheds in Distress

Designating Watersheds

“Distressed” 1501:15-5-20

- DSWR Chief designates a watershed
- Soil and Water Commission Approval
- Once designated triggers NMP and land application requirements
- DSWR must develop a report on each watershed subject to designation
- Considerations for Designation

Designation Criteria

- Nutrient impacts from Ag Sources (Ohio EPA)
- Threats to Public Health
- Periodic evidence of algal or cyanobacterial blooms capable of producing toxins
- Contaminants in public or private water supplies
- Contaminants in recreational water
- Nuisances impacting aquatic life

Grand Lake St. Marys “Yes” to all designation criteria

- DSWR Chief and Ohio Soil and Water Conservation Commission- designated “distressed” Jan. 18, 2011
- NMPs required by December 15th, 2012.
- Winter Application Restrictions take effect January 19, 2013.



Who must follow this?

- Anyone in the watershed using or applying over 100,000 gallons or 350 tons of manure per year.
- Unless you are permitted by ODA or OEPA (about 14 out of 300 operations)

Land Application of Manure

- Effective immediately when designated “distressed” January 19, 2011:
- NRCS Standard 633 Waste Utilization must be followed.
- Not following standard is considered a violation of distressed watershed rules.

1501:15-5-19 Nutrient Management Plans

- December 15th 2012 NMPs have to be submitted to SWCD or ODNR.
- Plans must include soil and manure analysis.
- Update plan minimum of every 3 years.
- Validate 120 days storage
- Any new operation must have plan approved prior to construction.

1501:15-5-05 Land Application of Manure

- Effective January 19, 2013:
- Shall not apply manure between Dec. 15 and Mar. 1 without prior approval from the Chief or designee.
- Outside of those dates – no surface application on frozen or snow covered ground. If manure can be injected or incorporated then OK to apply.

Guiding Principles for Implementing these Rules

- Respect for private property
- Respect for our resources
- Give people a chance
- Help people succeed first
- Use our regulatory backstop when needed
 - Recalcitrance
 - Gravity

Penalties

- Chief's order – Issued when corrective actions are not taken.
- Can require additional practices be installed or require certain management through the order.
- ODA referral
- 1st degree misdemeanor each day is a separate offense.

New Rules for “Distressed Watersheds”

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Resources June 13, 2011