



OHIO E.P.A.

JUN 16 2014

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

ENTERED DIRECTOR'S JOURNAL

Certified Mail

June 16, 2014

Jerry Wray, Director
Ohio Department of Transportation
Office of Environmental Services
Mailstop #4170, 3rd Floor
1980 West Broad St
Columbus, OH 43223

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Jerry Cassler Date: 6-16-14

Attn: Tim Hill, Administrator

Re: Hancock County / Liberty Township / City of Findlay
Grant of Section 401 Water Quality Certification; Minimal Degradation Alternative
HAN-75-14.39 PID 87005
ACOE Public Notice No. 2013-42-MAU
Ohio EPA ID No. 134309

Dear Stakeholders:

I hereby authorize the above referenced project under the following authorities and it is subject to the following modifications and/or conditions:

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, I hereby certify that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

This authorization is specifically limited to a Section 401 Water Quality Certification (here after referred to as "permit") with respect to water pollution and does not relieve the applicant of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Blanchard River Watershed (HUC 04100008) as authorized by this permit is necessary. I have made this determination based upon the consideration of all public comments, if submitted, and the technical, social, and economic considerations concerning this application and its impact on waters of the state.

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

This project covers three 12-digit HUC watersheds: Lower Eagle Creek (HUC 04100008-03-02), Aurand Run (HUC 04100008-03-03) and Howard Run (HUC 04100008-03-04). Lower Eagle Creek has an area of 34.01 square miles of which 17.3% is developed, 8.0% is forest, 2.2% is grass/pasture, 71.3% is row crops and 1.3% is other. Aurand Run has an area of 18.03 square miles of which 17.2% is developed, 5.1% is forest, 2.2% is grass/pasture, 75.3% is row crops and 0.2% is other. Howard Run-Blanchard River has an area of 36.28 square miles of which 27.5% is developed, 5.8% is forest, 2.0% is grass/pasture, 63.8% is row crops and 1.0% is other.

B. Project Description

The project involves full-depth pavement replacement on I-75 and the addition of one travel lane both northbound and southbound, and widening I-75 from two lanes to three lanes in each direction. The project also includes reconstruction of the I-75 interchange with US 68/SR 15 and the US 68/SR 15 interchange with Lima Avenue, as well as replacement of the Harrison Avenue overpass.

C. Impacts

Under the Minimal Degradation Alternative, impacts to waters of the state are as follows:

1. Streams

Stream 1 (N.M. Adams Ditch) will be impacted at two separate locations. The first location includes 531 linear feet for the construction of Lima Avenue and ramp G1, and the second location includes 176 linear feet for the installation of a culvert for the construction of a service road. Stream 2 (Blanchard River) will be impacted for 337 linear feet by the widening and replacing of the bridge carrying I-75 over the river. Impacts to the Blanchard River will also include the installation of a temporary in-stream work pad to perform the work. Stream 3a (Dalzell Ditch) will be impacted for 245 linear feet for the construction of the US 224 Ramp B. Stream 5 will be impacted for 287 linear feet for the widening of I-75. Stream 6 (Oil Ditch) will be impacted for 478 linear feet for the widening of I-75. Stream 7 will be impacted for 44 linear feet for the installation of a culvert for the construction of a service road.

Stream ID	Designated Use	Type* E, I, or P	Impact Type	Total Length on Site (LF)	Total Length Impacted (LF)	Percent Avoided
S1 (N.M. Adams Ditch)	NA	I	Culvert, RCP	1337	707	47.1%
S2 (Blanchard River)	WWH	P	Piers, In-stream Work Pad	437	337	22.9%
S3a (Dalzell Ditch)	NA	P	Culvert, Earthen Fill	1706	245	85.6%
S5	NA	I	Culvert, Earthen Fill	457	287	37.2%
S6 (Oil Ditch)	WWH	P	Culvert, RCP	1143	478	58.2%
S7	NA	I	RCP	44	44	0.0%
Totals				5124	2098	59.1%

* As provided by applicant

2. Jurisdictional Ditches

Ditch 1 will be impacted for 0.155 acres for the construction of Ramp A and widening of I-75 and at a second location for 0.267 acres for the construction of Ramp C and widening of I-75. Ditch 2 will be impacted for 0.122 acres for the widening of I-75.

Ditch ID	Type* E, I, or P	Impact Type	Total Length on Site (LF)	Total Length Impacted (LF)	Total Acreage Impacted	Percent Avoided
D1	I	Culvert, Earthen Fill	1398	778	0.422	44.3%
D2	I	Culvert, Earthen Fill	618	532	0.122	13.9%
Totals			2016	1310	0.544	35.0%

* As provided by applicant

3. Wetlands

Wetland E will be entirely filled by the placement of earthen fill, drainage ditches, drainage pipes, and rock channel protection for the construction of ramps C and A. Wetland F will be entirely filled by the placement of earthen fill, drainage ditches, drainage pipes and rock channel protection for the construction of ramp A.

Wetland ID	Isolated or Non-isolated	Forested or Non-forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
E	Non-isolated	Non-forested	1	2.9	2.9	0.0%
F	Non-isolated	Non-forested	1	1.57	1.57	0.0%
Totals				4.47	4.47	0.0%

4. Lakes

Impacts to lakes are not authorized under this permit.

PART II TERMS & CONDITIONS

- A. Terms and conditions outlined in this section apply to project and mitigation construction as described in this permit.
- B. The Permittee shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this permit, upon the start and completion of site development and mitigation construction.
- C. A copy of this permit shall remain on-site for the duration of the project and mitigation construction activities.
- D. In the event of an inadvertent spill, the Permittee must immediately call the Ohio EPA Spill Hotline at 1-800-282-9378, as well as the Ohio EPA Section 401/IWP Manager (614-644-2872).
- E. Unpermitted impacts to surface water resources and/or their buffers occurring as a result of this project must be reported within 24 hours of occurrence to Ohio EPA, Division of Surface Water, Section 401/IWP Manager (614-644-2872), for further evaluation.
- F. Pesticide application(s) for the control of plants and animals shall be applied in accordance with rule 3745-1-01 of the Ohio Administrative Code, and may require a site specific application permit from Ohio EPA. Such a permit may be obtained by calling 614-644-2001 and speaking with the Toxicology Specialist.
- G. Blasting shall not be done within or near waters of the state (including wetlands) without prior consultation with the Ohio Department of Natural Resources, Division of Wildlife, to determine what protective measures should be taken to minimize damage to wildlife.
- H. Any authorized representative of the director shall be allowed to inspect the authorized activity at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
- I. In the event that there is a conflict between the permit application, including the mitigation plan, and the conditions within this permit, the condition shall prevail unless Ohio EPA agrees, in writing, that the permit application or other provision prevails.
- J. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402
419-352-8461

Additional information regarding environmental permitting assistance at Ohio EPA can be found at http://www.epa.ohio.gov/dir/permit_assistance.aspx

K. Best Management Practices (BMPs)

1. All water resources and their buffers, which are to be avoided, shall be clearly indicated on site drawings, demarcated in the field and protected with suitable materials (e.g., silt fencing) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.
2. All BMPs for storm water management shall be designed and implemented in accordance with the most current edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual, unless otherwise required by the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities (construction general permit), if required.

A copy of the Rainwater and Land Development Manual is available at:
<http://soilwater.ohiodnr.gov/water-conservation/stormwater-management>

A copy of the NPDES construction general permit is available at:
http://www.epa.ohio.gov/dsw/storm/construction_index.aspx#Construction%20General%20Permit

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. Materials used for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as fill or bank protection.

6. Concrete rubble used for fill or bank stabilization shall be in accordance with ODOT specifications; free of exposed re-bar; and, free of all debris, soil and fines.
7. Chemically treated lumber which may include, but is not limited to, cadmium chromium arsenate (CCA) and creosote treated lumber shall not be used in structures that come into contact with waters of the state.
8. Trees removed from temporary impact areas to facilitate construction shall be replaced with appropriate tree species native to Ohio.
9. Culverts
 - a. Stream culverts shall be installed and designed at the streambed slope to allow for the natural movement of aquatic organisms and bedload to form a stable bed inside the culvert.
 - b. The culvert base or invert with the substrate shall be installed below the sediment to allow natural channel bottom to develop and to be retained.
 - c. The channel bottom substrate shall be similar to and contiguous with the immediate upstream and downstream reaches of the stream. The culvert shall be designed and sized to accommodate bankfull discharge and match the existing depth of flow to facilitate the passage of aquatic organisms.
 - d. Where culverts are installed for temporary crossings, the bottom elevations of the stream shall be restored as nearly as possible to pre-project conditions.

L. Wildlife Protection

1. No in-water work shall take place from April 15 to June 30 in designated warmwater streams, unless specifically approved by the Ohio Department of Natural Resources, Division of Wildlife, in writing, with a copy provided to Ohio EPA prior to undertaking any in-water work during the environmental window.
2. A pre-construction mussel relocation shall be performed by a malacologist with a federal permit from the USFWS in coordination with the Ohio Department of Natural Resources, Division of Wildlife.

PART III MITIGATION

A. Description of Required Mitigation

As mitigation for 2,098 linear feet of impact to streams 1 (N.M. Adams Ditch), 2 (Blanchard River), 3a (Dalzell Ditch), 5, 6 (Oil Ditch), and 7, 4,261 linear feet of stream mitigation credits will be deducted from ODOT's St. Johns Dam Removal Pooled Mitigation Area located in Seneca and Wyandot Counties, Sandusky River Watershed (HUC 04110011).

As mitigation for impacts to 4.47 acres of non-forested, category 1 wetlands, the applicant shall purchase 6.71 acres of non-forested wetland credit from the following mitigation banks operated by the North Coast Regional Council of Park Districts: *White Star Park* (1.2 acres), located in Sandusky County, Sandusky River Watershed (HUC 04100011), and *White Star III* (5.5 acres) located in Sandusky County, Portage River Watershed (HUC 04100010). Both of the above mitigation banks are within the Buffalo District of the United States Army Corps of Engineers.

B. Mitigation and Monitoring Plan

As mitigation for impacts described in Part I.C of this permit the applicant shall implement the mitigation plan submitted with the application and revisions received on April 21, 2014, and in accordance with the conditions in this permit.

C. Timing of Mitigation Requirements

Within 30 days of the date of permit, a copy of the fully executed mitigation bank agreement with North Coast Regional Council of Park Districts and an updated balance sheet showing the deduction of credits from the St. John Dam's Removal Pooled Mitigation Area shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

PART IV NOTIFICATIONS TO OHIO EPA

All notifications, correspondence, and reports regarding this permit shall reference the following information:

Permittee Name:	Jerry Wray, Ohio Department of Transportation
Project Name:	HAN-75-14.39 PID 87005
Ohio EPA ID No.:	134309

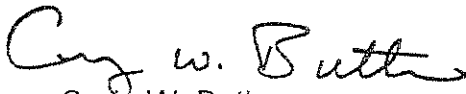
and shall be sent to:

Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,


Craig W. Butler
Director

cc: Tim Long, Columbus Transportation Office, USACE Huntington
Peter Swenson, U.S. EPA, Region 5
Mary Knapp, U.S. Fish & Wildlife Service
Brian Mitch, ODNR, Office of Real Estate
Dave Snyder, Ohio Historical Preservation Office

Joni Lung, Ohio EPA, DSW, Section 401/IWP

Jeff DeShon, Ohio EPA, DSW, EAS

Dan Glomski, Ohio EPA, NWDO

Vicki Derr, Envirotech Consultants, 5380 Township Road 143 NE, Somerset, OH
43783

Adrienne Earley, Supervisor, Waterway Permits Section, OES/ODOT

Craig Kerscher, Coordinator, Waterway Permits Section, OES/ODOT

Attachments: Resource Location Map (project)

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal.

Please take a few minutes to complete this survey and share your experience with us at <http://www.surveymonkey.com/s/ohioepacustomersurvey>.

ATTACHMENT 1
HAN-75-14.39 PID 87005
Ohio EPA Project #134309
Resource Location Map and Plans

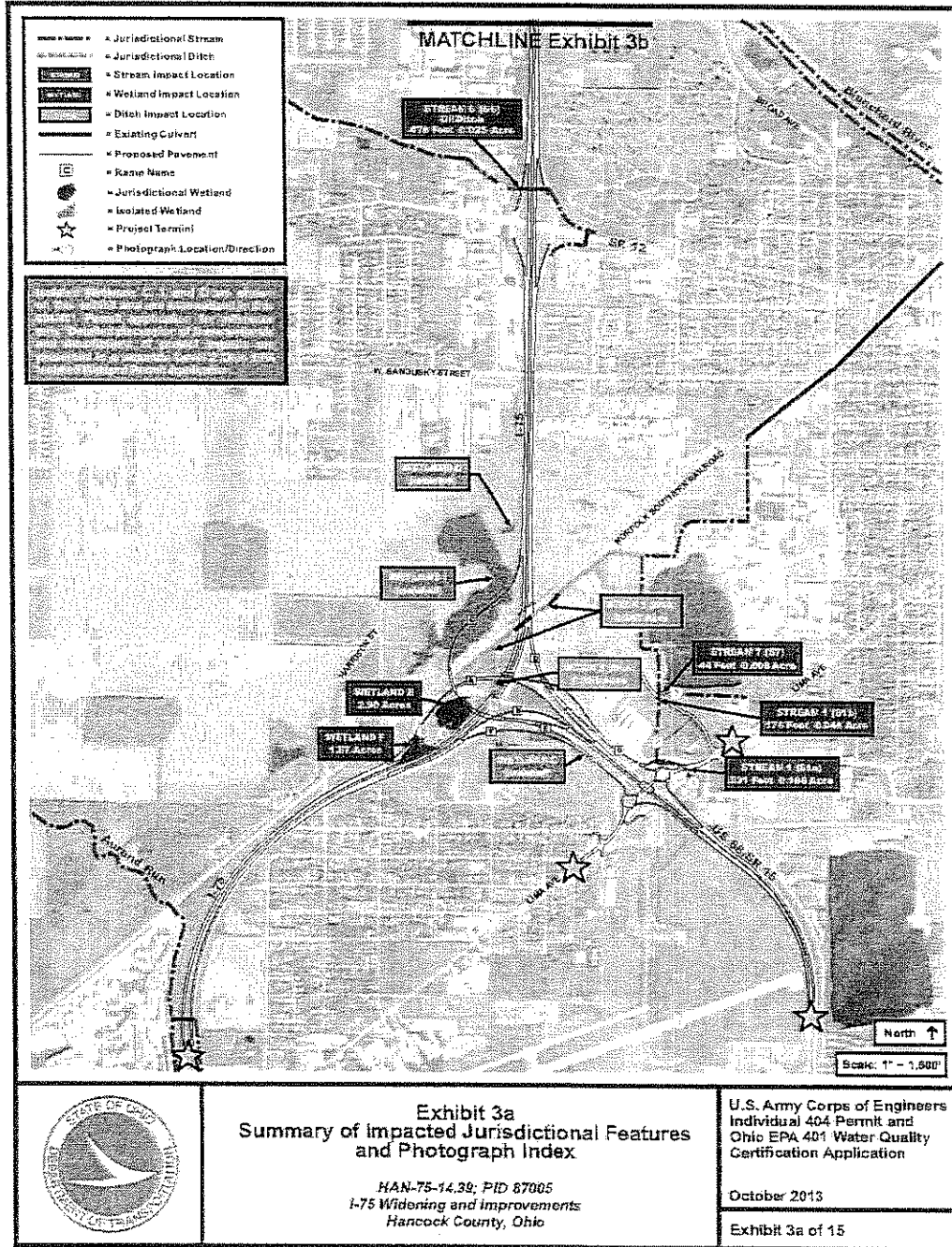


Exhibit 3a
Summary of Impacted Jurisdictional Features
and Photograph Index

HAN-75-14.39; PID 87005
 I-75 Widening and Improvements
 Hancock County, Ohio

U.S. Army Corps of Engineers
 Individual 404 Permit and
 Ohio EPA 401 Water Quality
 Certification Application

October 2013

Exhibit 3a of 15

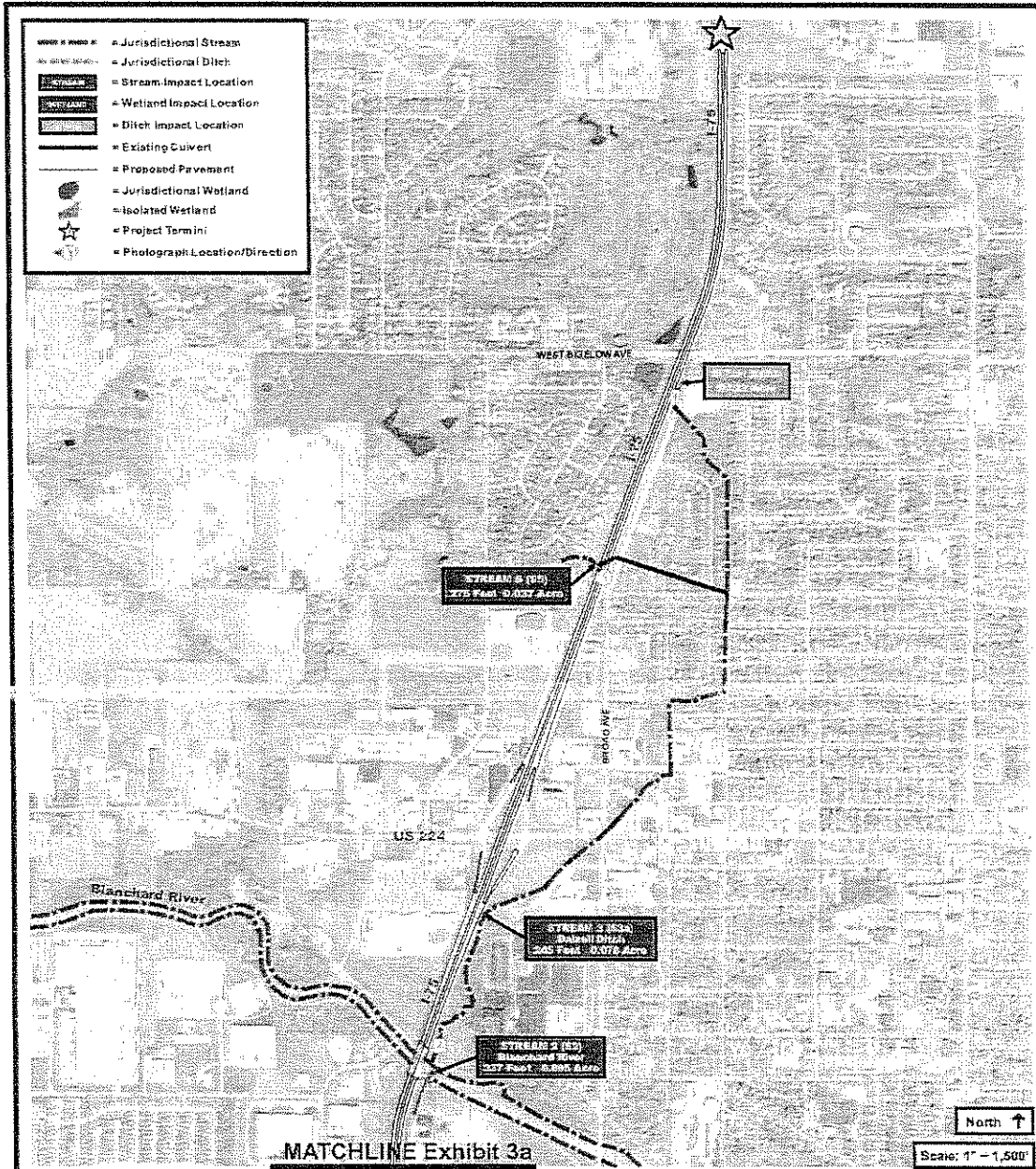


Exhibit 3b
 Summary of Impacted Jurisdictional Features
 and Photograph Index

HAN-75-14.39; PID 87005
 I-75 Widening and Improvements
 Hancock County, Ohio

U.S. Army Corps of Engineers
 Individual 404 Permit and
 Ohio EPA 401 Water Quality
 Certification Application

October 2013

Exhibit 3b of 15