

**GUIDANCE FOR SECTION 401 WATER QUALITY CERTIFICATION
AND ISOLATED WETLAND PERMITS THROUGH THE COORDINATED
APPLICATION PROCESS FOR SURFACE COAL MINE SITES**



**Division of Surface Water
Environmental Mitigation & Special Permitting Section**

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**Ohio Environmental Protection Agency
Division of Surface Water
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1.0 Introduction

This document has been prepared by staff in the Environmental Mitigation and Special Permitting Section of the Ohio Environmental Protection Agency (Ohio EPA), Division of Surface Water, to provide applicants with guidance that may be helpful in completing Ohio EPA's Section 401 Water Quality Certification (WQC) application (revised July 1998) and Isolated Wetland Permit (IWP) application. This guidance only applies to 401 WQC and IWP applications for proposed surface coal mine sites submitted in accordance with the Coordinated Application Process (CAP) as approved by Ohio EPA, Ohio Department of Natural Resources - Division of Mineral Resource Management, and United States Army Corps of Engineers - Huntington and Pittsburgh Districts. Links to all documents discussed in this guidance can be found at:

<http://www.epa.ohio.gov/dsw/401/index.aspx>

2.0 Ohio EPA Section 401 Water Quality Certification

2.0.1 General Information

The information provided with an Ohio EPA 401 WQC Application will be used to evaluate the project for certification and is a matter of public record. If the application lacks information necessary to demonstrate the criteria set forth in OAC Rule 3745-32-05 (A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted.

An Application for Ohio EPA Section 401 WQC shall be submitted to:

Ric Queen

Manager, Environmental Mitigation & Special Permitting Section

Ohio EPA Division of Surface Water

P.O. Box 1049

Columbus, Ohio 43216-1049

Certification time frame: Ohio EPA's goal is to take an action on WQC applications within 120 - 180 days of receipt of a complete application. In order to expedite the application review process, please follow the Pre-application Guidelines during the design of the mine. These guidelines can be found at:

http://www.epa.ohio.gov/portals/35/emsp/preapp_recommendations.pdf

2.0.2 CAP 401 WQC Application Cover Checklist

The CAP 401 WQC Application Cover Checklist shall serve to ensure that all materials required by Ohio EPA are submitted with the application package. This document should be the cover page of the application and the applicant should check each box to ensure the required materials are submitted. A CAP 401 WQC Application Cover can be found at the following website:

http://www.epa.ohio.gov/portals/35/emsp/cover_checklist.pdf

2.0.3 Instructions for preparing an Ohio EPA Section 401 WQC Application

The following discussion is intended as guidance to properly complete the Ohio EPA Section 401 WQC application. A Section 401 Application for Ohio EPA WQC can be found at the following website:

http://www.epa.ohio.gov/portals/35/401/401appl_fis.pdf - Application for 401 WQC

The information in this guidance is listed in the same order as the questions on the 401 application. Following each question number is a list of topics that Ohio EPA requires to be addressed in that section, and a brief explanation of the kind of information that section should include. Please respond to each question in the order and format below. If a particular point does not apply to your project, state 'not applicable' and include an explanation.

Block 1: The federal permitting agency has determined this project: (check the appropriate box and fill in the blanks)

There are five options to choose from. These options are selected based on the USACE Nationwide Permit, Pre-Construction Notifications and/or Individual Permit requirements. Check appropriate box and fill in blanks as appropriate.

Block 2: Application number (to be assigned by Ohio EPA)

Block 3: Name, address and phone numbers of applicant: Enter the name of the responsible party or parties. If the responsible party is an agency, company, corporation or other organization, indicate the responsible officer and title. If more than one party is associated with the application, please attach a sheet with the necessary information marked Block 3. Please provide the number where you can usually be reached during normal business hours.

Ohio EPA cannot accept a P.O. Box as the mailing Address.

Block 3a: Signature and date of applicant: To be completed by applicant as listed in Block 3.

Block 4: Name, address, title and phone number of authorized agent: Indicate name of individual or agency, designated by you, to represent you in this process. Please provide the complete mailing address of the agent, along with the telephone number where he/she can be reached during normal business hours.

Ohio EPA cannot accept a P.O. Box as the mailing Address.

Block 4a: Statement of Authorization. To be completed by applicant, if an agent is to be employed.

Applicant must sign and date to allow agent to act on his or her behalf.

Block 5: Location on land where activity is proposed.

- Provide Project Latitude and Longitude;
- Provide the Townships, nearby Cities and Villages, County, Route, Section, Street, Road, Zip Code, or other descriptive location; and
- Include the 8-digit Watershed(s) where the project is located

Block 6: Is any portion of the activity for which authorization is sought complete?

This question requires a simple yes or no answer. If the answer is “yes,” provide the following:

- Description of the activity completed;
- Date activity began;
- Date activity was completed;
- Drawings of complete work; and
- Indicate if the Army Corps of engineers issued an order to cease work.

Block 7: List all approvals or certifications and denials received from other federal, interstate, state or local agencies for any structures, construction, discharge or other activities described in this application.

You must give the name of issuing agency, type of approval, identification number, date of application, date of approval, or date of denial.

Block 8a: Activity: Describe the Overall Activity:

Describe the proposed project.

Block 8b: Describe the purpose, need and intended use of the activity:

Describe in the level of detail necessary.

Block 8c: Discharge of dredged or fill material: Describe type, quantity of dredged material (in cubic yards), and quantity of fill material (in

cubic yards). (OAC 3745-1-05 (B)(2)(a)).

Describe the type and quantities (in cubic yards) of dredged or fill material to be placed into waters of the U.S./waters of the State.

Block 9: Waterbody, and location of waterbody or upland where activity exists or is proposed, or location in relation to a stream, lake, wetland, wellhead or water intake (if known). Indicate the distance to, and the name of any receiving stream, if appropriate.

Give the official name of the waterbody and location of waterbody in relation to the proposed activity. Provide the length of each stream and/or acreage of each wetland proposed to be impacted by the project. Provide the distance to and the official name of the receiving waterbody. (Refer to Ohio EPA's Water Quality Use Designations in OAC 3745-1)

Block 10: Alternatives Analysis – This section is described in the Section 401 WQC application and should be completed on separate paper.

Definitions:

- Preferred Alternative – the project you are submitting for approval.
- Minimal Degradation Alternative – Scaled-down version of the project that would result in a lesser impact to water quality than the Preferred Alternative while still meeting the project goals.
- Non-Degradation Alternative – Proposal that would have no impact on water quality.

Format: Give a brief description of each alternative and answer questions 10a – 10k for each alternative. The following format is recommended:

EXAMPLE: 10a) Provide a detailed description... for:

The Preferred Alternative

The Minimal Degradation Alternative

The Non-Degradation Alternative

Address each alternative under the same section. Do not complete an individual response for 10a - 10k for the Preferred Alternative, then an individual response for 10a - 10k for the Minimal Degradation Alternative,

then an individual response 10a – 10k for the Non-Degradation Alternative. This format makes application review more difficult and may slow down the review process.

Block 10a: Provide a detailed description of any construction work, fill or other structures to occur or to be placed in or near the surface water. Identify all substances to be discharged , including the cubic yardage of dredged or fill material to be discharged to the surface water. (OAC 3745-1-05(B)(2)(b))

Describe the proposed work, fill or dredge material to be discharged near or into surface waters for the preferred, minimal-degradation and nondegradation alternatives including the volume of fill or dredge material for each alternative. Include the following as part of Appendix E of the application package:

- Topographic map of the area (or identify the site on a specific quadrangle);
- An Application and Hydrology Map; and
- Plan, profile, and cross-sectional drawings.

Block 10b: Describe the magnitude of the proposed lowering of water quality. Include the anticipated impact of the proposed lowering of water quality on aquatic life and wildlife, including threatened and endangered species (include written comments from Ohio Department of Natural Resources and U.S. Fish and Wildlife Service), important commercial or recreational sport fish species, other individual species, and the overall aquatic community structure and function. Include a Corps of Engineers approved wetland delineation. (OAC 3745-1-05(C)(6)(a,b) and OAC 3745-1-54)

Describe the significance of the proposed project to lower water quality. An investigation of Waters of the United States and United States Army Corps of Engineers jurisdictional determination letter shall be included in

Appendix B of the application package. For each alternative, describe impacts to:

- Aquatic habitat and physical characteristics of the water body and adjacent areas;
- Animal Life (including sport and recreational fishes);

- Plant life;
- Threatened and endangered plants and animals [Include information from coordination with Ohio Department of Natural Resources and the US Fish and Wildlife Service (Appendix D of application package)];
- Flow patterns of surface water;

Wetlands

- Describe type of wetland (forested, emergent, shrub.);
- Describe proposed category (Category I, II or III) for each wetland to be impacted. Include a discussion of the wetland assessment tool used and the rationale for placing the wetlands in the selected categories. (See Wetland Water Quality Standards (OAC 3745-1-54) on Ohio EPA's web site or call 614/644-2001);
- Give individual and total wetland acreage on site;
- Give individual and total wetland acreage to be impacted;
- Describe proximity/location of each wetland in relation to other surface waters.
- Submit numbered photographs of all surface water resources and all associated vegetative buffers to be impacted, including photographs of directly adjacent land;
- Include reference map showing photo locations and directional arrows; and
- Demonstrate that the storm water post-construction runoff rate will not exceed the pre-construction runoff rate and that water quality will either be unaffected or improved.

Streams

- Give name of each stream to be impacted and each receiving stream;

- Give water quality use designation for each stream (See OAC 3745-1 on Ohio EPA's web site or call 614/644-2001);
- Describe type, age and width of vegetation adjacent to watercourse(s);
- Give individual and total linear feet to be impacted on site;
- Describe proximity/location of each watercourse in relation to other surface waters;
- Submit numbered photographs of all surface water resources and all associated vegetative buffers to be impacted, including photographs of directly adjacent land;
- Include reference map showing photo locations and directional arrows;
- Submit QHEI forms for all streams with a drainage area greater than one square mile and/or pools with a depth greater than 40 cm (Include in Appendix B) and;
- Submit HHEI forms for all streams with a drainage area less than one square (Include in Appendix B).

Lakes/Ponds

- Give name of each water body;
- Describe and give name of each stream flowing in or out of each water body;
- Describe type, age and width of vegetation adjacent to each water body;
- Describe adjacent land uses;
- Submit numbered photographs of all surface water resources and all associated vegetative buffers to be impacted, including photographs of directly adjacent land; and
- Include reference map showing photo locations and directional arrows.

Block 10c: Include a discussion of the technical feasibility, cost effectiveness,

and availability. In addition, the reliability of each alternative shall be addressed (including potential recurring operational and maintenance difficulties that could lead to increased surface water degradation.) (OAC 3745-1-05(C)(6)(h, j-k) and OAC 3745-1-54)

Discussion on the technical feasibility, cost effectiveness and availability for the preferred, minimal degradation and non-degradation alternatives. Provide an itemized list of the anticipated costs to perform each alternative.

Block 10d: For regional sewage collection and treatment facilities, include a discussion of the technical feasibility, cost effectiveness and availability, and long-range plans outlined in state or local water quality management planning documents and applicable facility planning documents. (OAC 3745-1-05(B)(2)(i))

Provide discussion on technical feasibility, cost effectiveness, availability and long-range plans for sewage and treatment facilities as it applies to the preferred, minimal degradation and non-degradation alternatives (if applicable).

Block 10e: To the extent that information is available, list and describe any government and/or privately sponsored conservation projects that exists or may have been formed to specifically target improvement of water quality or enhancement of recreational opportunities on the affected water resource. (OAC 3745-1-05(B)(2)(g))

Contact local conservation groups for information on local government sponsored conservation projects. Identify the organization and the conservation opportunities available through the organization, even if, there are no opportunities available by a particular organization.

Block 10f: Provide an outline of the costs of water pollution controls associated with the proposed activity. This may include the cost of best management practices to be used during construction and operation of the project. (OAC 3745-01-05(C)(6)(g))

Provide an outline of water pollution controls for the preferred, minimal degradation and non-degradation alternatives. Include the cost associated with the controls and include any best management practices used during construction and operation of each alternative.

Block 10g: Describe any impacts on human health and the overall quality and

value of the water resource. (OAC 3745-1-05(C)(6)(c) and OAC 3745-1-54)

Identify any impacts to human health (positive/negative) for the preferred, minimal degradation and non-degradation alternatives.

Block 10h: Describe and provide an estimate of the important social and economic benefits to be realized through this project. Include the number and types of jobs created and tax revenue generated and a brief discussion on the condition of the local economy. (OAC 3745-1-05(B)(2)(e), and OAC 3745-1-05(C)(6)(i))

For each alternative, please provide and discuss the following:

- Include the number of jobs to be created (directly and indirectly) by the project;
- Include state and local tax revenues generated;
- Give a brief description of the local economy (i.e. median household income, poverty rates, population growth, unemployment, etc.);
- Discuss the positive impacts on the recreational and commercial opportunities of the water resource, including tourism;
- Discuss businesses that will be positively impacted by the proposed project; and
- Give a brief discussion regarding the positive aesthetics of the proposed project.

Block 10i: Describe and provide an estimate of the important social and economic benefits that may be lost as a result of this project. Include the effect on commercial and recreational use of the water resource, including effects of lower water quality on recreation, tourism, aesthetics, or other use and enjoyment by humans. (OAC 3745-1-05(B)(2)(e, f), and OAC 3745-1-05(C)(6)(e))

For each alternative, please provide and discuss the following:

- Include the number of jobs to be lost (directly and indirectly) due to the project;

- Include state and local tax revenues to be lost;
- Discuss the proposed direct and indirect lowering of property values due to the proposed project;
- Discuss the negative impacts on the recreational and commercial opportunities of the water resource, including tourism;
- Discuss the businesses that will be negatively impacted by the proposed project; and
- Give a brief discussion regarding the negative aesthetics of the proposed project.

Block 10j: Describe environmental benefits, including water quality, lost and gained as a result of this project. Include the effects on the aquatic life, wildlife, threatened or endangered species. (OAC 3745-1-05(B)(2)(e,f), OAC 3745-1-05(C)(6)(b) and OAC 3745-1-54)

Provide a detailed explanation of the environmental benefits lost and gained as a result of the preferred, minimal degradation and non-degradation alternatives including but not limited to:

- How sediment transportation capabilities may be impacted; and
- How wetland pollutant filtering capability may be impacted;

Block 10k: Describe mitigation techniques proposed (except for the Non-Degradation Alternative): Describe proposed Wetland Mitigation (see OAC 3745-1-54) Describe proposed Stream, Lake, Pond Mitigation Mitigation should be in-kind and result in restoration of the waterbody to a quality equal or better than the impacted waterbody. The mitigation proposal should include the following:

- A U.S.G.S. quadrangle with the location of the mitigation area identified;
- Plan, profile, and cross-sectional drawings to illustrate the size/length, shape, and depth variation of the proposed mitigation;
- A description of the habitat restoration or enhancement proposed. Demonstrate that there will be no elimination or substantial impairment of existing in-stream water uses as part of the project

(OAC 3745-1-05(c)(1))'

- Describe Best Management Practices to be used. This may include, but is not limited to, velocity reduction structures, erosion control methods, and turbidity controls;
- Develop a monitoring plan that will focus on the re-establishment of habitat and other water quality functions. Identify who will be conducting the monitoring. For streams, proposed QHEI or HHEI scores, or other biological indices may be included. For wetlands, quantifiable performance goals, such as VIBI, Amph IBI scores, percent coverage of native perennial hydrophytes, percent of invasive species cover should be included;
- Identify who will manage the mitigation area, who will retain ownership, and how the mitigation area will be protected in perpetuity; and
- Describe a contingency plan in case the mitigation fails, including a time-frame for remediation.

Block 11: Application is hereby made for a Section 401 WQC. I certify that I am familiar with the information contained in this application and, to the best of my knowledge and belief, such information is true, complete and accurate. I further certify that I possess the authority to undertake the proposed activities or I am acting as the duly authorized agent of the project.

The applicant (or signature of an authorized agent) will sign and date this block.

2.0.4 Section 401 WQC Application Format

Section 401 Water Quality Certification Applications shall be submitted in the following format. Following this format should allow for easier completeness and technical reviews of applications, hypothetically, allowing for quicker decisions to be made by the director regarding an application. This format is meant to be used until an online submittal program for an Application for Ohio EPA Section 401 Water Quality Certification for Coal Mining is available. Failure to submit applications in this format and order may result in application being deemed incomplete.

1. **Cover Page**
 - Name of Project

- Applicant and/or Agent Contact Information
2. **Table of Contents Outlining Application Package**
 3. **CAP 401 WQC Application Cover Checklist**
 4. **Application for Ohio EPA Section 401 Water Quality Certification**
 - Four page Application for Ohio Section 401 Water Quality Certification
 - Document addressing Anti-degradation Rule questions 10(a) through 10(k); Please refer to the guidance for Block 10 of this document
 - Preferred Degradation Design Drawing
 - Minimal Degradation Design Drawing
 - Non-Degradation Design Drawing
 - CAP Stream and Wetland Impact Table
 - List of Adjacent Land Owners
 - Any documents referenced in Anti-degradation Rule questions that are not contained in Appendices.
 5. **Appendices**

Appendix A

- Stream and Wetland Delineation
 - Jurisdictional Determination Letter from the United States Army Corps of Engineers
 - Jurisdictional Determination Report including site photographs and appropriate resource evaluation forms.

Appendix B

- Mitigation Plan including Adaptive Management Plan and Biological Sampling Plan
 - Plan and Profile Drawing of Mitigation Area
 - Cross-Sectional Drawing of Mitigation Area
 - Water Quality and Biological Sampling Location Map
- Draft Environmental Covenant
 - Environmental Covenant Exhibit A
 - Environmental Covenant Exhibit B

Appendix C

- Agency Documents (Regarding Threatened and Endangered Species)
 - Letter from U.S. Fish and Wildlife
 - Letter from ODNR Division of Fish and Wildlife
 - Indiana Bat Survey Letter

Appendix D

- Maps
 - Location of Site
 - USGS 7.5 Minute Topographical Map of Site
 - Site Limits on National Wetland Inventory Map
 - Soil Map with Site Limits
 - Aerial Photograph with Site Limits
 - Application and Hydrology Map

Appendix E

- Copy of Check for Application Fees
- Copy of the USACE public notice OR documentation that the USACE will authorize the project under a Nationwide Permit.

Appendix F

- Isolated Wetland Application (if applicable)

3.0 Ohio EPA Isolated Wetland Permits

3.0.1 General Information

The following discussion is intended to be guidance on how to properly fill out the Ohio EPA General Isolated Wetland Permit Application (level one review) and an Individual Isolated Wetland Permit Application (level two review). The Individual Isolated Wetland Permit Application (level three review) is essentially a 401 WQC application (See Section 2.03) plus the materials required for the level one and level two reviews as described below. An Ohio EPA Isolated Wetland Permit Application must be completed whenever a proposed activity impacts an isolated wetland within the State of Ohio in accordance with ORC, Section 6111.03(P) from Ohio EPA. **If a Section 401 WQC AND Isolated Wetland Permit are necessary for a project, include the Isolated Wetland Permit application and required materials in Appendix F of the 401 application.**

A General Isolated Wetland Permit Application (level one review), Individual Isolated Wetland Permit Application (level two review) can be found at the following website:

http://www.epa.ohio.gov/portals/35/401/Level1_App_7-1-09_fis.pdf - General Isolated Wetland Permit Application (Level One Review)

http://www.epa.ohio.gov/portals/35/401/Level2_App_Draft2_fis.pdf - General Isolated Wetland Permit Application (Level Two Review)

The information provided with an Ohio EPA Isolated Wetland Permit Application will be used to evaluate the project for certification and is a matter of public record. If the application lacks information necessary to demonstrate the criteria set forth in OAC

Rule 3745-32-05 (A) and OAC Chapter 3745-1, Ohio EPA will inform the applicant in writing of the additional information that must be submitted.

A General Isolated Wetland Permit Application (level one review) or Individual Isolated Wetland Permit Application (level two review) shall be submitted to the following address:

Ric Queen
Manager, Environmental Mitigation & Special Permitting Section
Ohio EPA Division of Surface Water
P.O. Box 1049
Columbus, Ohio 43216-1049

3.0.2 Ohio EPA General Isolated Wetland Permit Application (Level One Review)

3.0.2.1 Notification Requirements

The following information is necessary to process an Ohio EPA General Isolated Wetland Permit Application (level one review):

- USACE approved wetland delineation as performed in accordance with the 1987 USACE wetland delineation manual and any other procedures adopted by the U.S. Army Corps of Engineers for delineating wetlands.
- USACE Isolated Wetland Determination
- ORAM version 5.0 scoring forms for wetlands
- Project description
- Location and wetland mapping (USGS map, mapping/plan sheet clearly showing wetlands and impacts, other relevant mapping) in 8.5 x 11 format
- Photographs (with photograph location mapping) of the wetlands included in the application
- An acceptable mitigation proposal in accordance with ORC Sections 6111.022(D) and 6111.027. These materials shall be sent to the above address.

3.0.2.2 Instructions for preparing an Ohio Environmental Protection Agency General Isolated Wetland Permit Application - (Level One Review):

The instructions below are organized such that Ohio EPA standard instructions are followed. *Please note that the application for a level one review is also referred to as a Pre-Application Notification (PAN).

Applicant:

Block 1a: Company Name of Applicant
Block 2a: Address of Applicant
Block 3a: City, State, Zip of Applicant
Block 4a: Contact Person for Applicant
Block 5a: Phone Number for Applicant
Block 6a: Fax Number for Applicant
Block 7a: E-mail Address for Applicant

Agent:

Block 1b: Company Name of Agent
Block 2b: Address of Agent
Block 3b: City, State, Zip of Agent
Block 4b: Contact Person for Agent
Block 5b: Phone Number of Agent
Block 6b: Fax Number for Agent
Block 7b: E-mail Address for Agent

Project Information:

Block 8a: Project Name: Give the County, Route and Section of the project

Block 8b: Street: Give the Street name of the location of the project

Block 8c: County: Give the county name that the project is located within

Block 8d: Watershed (include USGS 8-Digit HUC): Provide the 8-Digit watershed name and corresponding 8-digit number

Block 8e: City/Township: Provide the cities and townships that the project is Located

Block 8f: Latitude/Longitude: Provide the Latitude/Longitude coordinates for the beginning of project

Block 9: Project Description

Block 10: Project Type (Check all that apply): This application provides fifteen (15) options to describe the type of project. Check all types that apply to the project.

Block 11: I have included the following in this submittal:

This application provides seven (7) types of materials that can be included with an Ohio EPA isolated wetland permit application. Maps showing the project footprint/wetlands including USGS maps, wetland delineations, USACE isolated waters determination, a wetland categorization (ORAM 5.0), site photographs, a mitigation proposal, and appropriate fees must be submitted with all projects.

Block 12: Are there other aquatic resources on the project site (please check all that apply):

This application provides five (5) types of other aquatic resources types. Check those aquatic resources that will be impacted by the project.

Block 13: List other water-related permits pending, issued, or required for this project Nationwide permits, Coastal Zone Management, Mining, NPDES, etc.):

The applicant must list all pending permits with the USACE, ODNR, Ohio EPA, County and Federal agencies. Some of these permits will include PCNs, 401 WQC, Coastal Zone Management Compliance Certification, Floodplain Permit, Ohio Scenic Rivers Approval, National Scenic Rivers Section 7 Approval, USFWS Section 7 Approval.

Block 14: Individual Isolated Wetland Information Table.

The applicant is responsible for listing all isolated wetlands that will be impacted by the project. The Wetland ID; ORAM score and corresponding proposed category; the size (acres) of forested, non-forested and total acreage of isolated wetlands; impacts (acres) to forested, non-forested and total impacts to isolated wetlands; totals of various sizes and impacts of Category 1 isolated, Category 2 and Category 3 wetlands. If additional space is required, beyond what is given in the application, then a separate sheet will be required.

Block 15: List mitigation techniques utilized for the proposed filling:

Mitigation, in accordance with ORC Sections 6111.022 (D) and 6111.027, is required in order to qualify for coverage under this general permit. Without the objection of the Director and at the discretion of the applicant, the applicant shall conduct either on-site mitigation, mitigation at an approved wetland mitigation bank within the same U.S. Army Corps of Engineers district as the location of the project described in the PAN, or off-site mitigation. Mitigation for the filling of, or the discharge of dredged material into, isolated wetlands covered under this permit shall be conducted in accordance with OAC Section 3745-1-54 and (1) Wetland Mitigation Table.

Mitigation that involves the enhancement or preservation of isolated wetlands shall also be calculated and performed in accordance with Section 3745-1-54 of the Ohio Administrative Code. An applicant shall

demonstrate that the mitigation site will be protected in perpetuity and that appropriate practicable management measures, including reasonable vegetative buffers, are or will be, in place to restrict harmful activities that jeopardize the mitigation.

The applicant is responsible for listing the specific mitigation techniques to offset impacts to isolated wetlands. The applicant must identify if the mitigation will be performed on-site and/or off-site; the mitigation acreage and totals for restoring, creating, enhancing and preserving isolated wetlands; the name of the Ohio EPA approved wetland mitigation site (if applicable).

Block 16: Fee Table

This table is present to assess damages to isolated wetlands and to process the Ohio EPA Isolated Wetland Permit Applications.

Block 17: Signature Block for Applicant

The applicant must print, sign and date this application. The agent has no signature block and cannot sign for the applicant.

Further Information:

Qualification for coverage under this general permit does not obviate the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.

3.0.3 Ohio EPA Individual Isolated Wetland Permit Application (Level Two Review)

3.0.3.1 Notification Requirements

A General Isolated Wetland Permit Application (level two review) will require all of the information that is required for the General Isolated Wetland Permit Application (level one review), as described in Sections 2.0.2.1 and 2.0.2.2; in addition to the additional information described below in Section 2.0.3.2. *Please note that the application for a Level One Review is also referred to as a Pre-Application Notification (PAN).

http://www.epa.state.oh.us/dsw/emsp/application_guidance.pdf

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3.0.3.2 Instructions for Preparing an Ohio Environmental Protection Agency Individual Isolated Wetland Permit Application - (Level Two Review):

Block 1: Project Name:

Enter the County, Route and Section for the project.

Question #1: Provide an analysis of practicable on-site alternatives to the proposed filling of the isolated wetland that would have less adverse impact on the isolated wetland ecosystem:

This question is asking for alternatives that will minimize and/or avoid impacts to the isolated wetland(s). This is similar to the Anti-Degradation Alternatives analysis found in Block 10 of the application for Ohio EPA 401 WQC. If there is no 401 WQC application to borrow the Block 10 discussion from, the applicant must provide an alternatives analysis in the same manner.

Question #2: Provide information indicating whether high quality waters, as defined in rule 3745-1-05 of the administrative code, are to be avoided by the proposed filling of the isolated wetland(s):

This question is asking whether high quality waters have been avoided by the proposed project, based on the aquatic resource(s) use designations and/or anti-degradation categories. A discussion of avoidance of high quality waters must be provided.

Question #3: Provide maps and narratives describing buffers provided for any isolated wetland(s) that will be avoided at the site:

In the narrative, provide details on width of existing buffer that will remain for any isolated wetland, type of plants in the buffer, and if vegetation will be planted to restore a buffer. The map should reflect the buffer to be avoided and/or proposed buffer area that will be created or restored.

Question #4: Demonstrate that the wetland(s) to be filled are not locally or regionally scarce and do not contain rare, threatened or endangered species:

Provide a narrative discussion indicating whether the subject isolated wetland is locally/regionally scarce, or contains rare, threatened, or endangered species. This question is also similar to Block 10j of the Application for Ohio EPA Section 401 WQC.

Question #5: Demonstrate that the project impacts would not result in significant degradation to the aquatic ecosystem:

This question is similar to that found in Block 10j of the Application for

Ohio EPA Section 401 WQC. Provide the same level of detail and information as is given in Block 10j of the 401 WQC application.

Question #6: Provide a comprehensive post-development storm water plan that includes water quality improvement measures:

Block 2: Signature Block for Applicant:

The applicant must print, sign and date this application. The agent has no signature block and cannot sign for the applicant.

3.0.4 Ohio EPA Individual Isolated Wetland Permit - (Level Three Review)

3.0.4.1 General Information:

An applicant must submit a completed Ohio EPA General Isolated Wetland Permit Application (level one review); an Ohio EPA Individual Isolated Wetland Permit Application (level two review) and an application for Ohio EPA Section 401 WQC as an Individual Isolated Wetland Permit Application (level three review) for impacts exceeding 3 acres for Category 2 wetlands or any impacts to Category 3 isolated wetlands.

3.0.4.2 Instructions for Preparing an Ohio Environmental Protection Agency Individual Isolated Wetland Permit Application - (Level Three Review):

Please follow the direction outlined in earlier segments of this Section to complete an Ohio General Isolated Wetland Permit Application (level one review- 3.0.2.2), an Ohio EPA Individual Isolated Wetland Permit Application (level two review-Section 3.0.3.1) and an Application for Ohio EPA Section 401 Water Quality Certification (Section 2.0.3) to be submitted as an Ohio EPA Individual Isolated Wetland Permit Application (level three review).

4.0 Conclusion

Please contact Ric Queen at 614-644-2872 or ric.queen@epa.state.oh.us if you have any questions about the 401 WQC application or Isolated Wetland Permit Application processes.