

Final

OHIO E.P.A.

Effective Date: April 10, 2007

APR 10 2007

Expiration Date: April 9, 2012

ENTERED DIRECTOR'S JOURNAL

**OHIO GENERAL PERMIT FOR FILLING  
CATEGORY 1 AND CATEGORY 2 ISOLATED WETLANDS**

Pursuant to Section 6111.021 of the Ohio Revised Code (ORC), the Director of the Ohio Environmental Protection Agency hereby authorizes the filling of, and the discharge of dredged material into, Category 1 and Category 2 isolated wetlands, in accordance with the conditions specified in Parts I through V of this permit, where the proposed project involves the filling of, or the discharge of dredged material into, Category 1 and Category 2 isolated wetlands of a total of ½ acre or less.

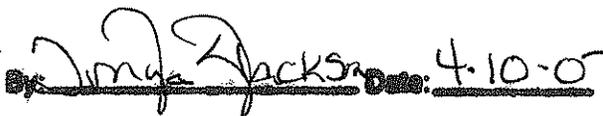
Coverage under this general permit is conditioned upon payment of applicable fees and submittal of a complete Pre-Activity Notice (PAN).

This General Isolated Wetland Permit shall be effective for five (5) years and shall expire at midnight on the expiration date shown above.



Director

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.



Date: 4-10-07

## **Part I. COVERAGE UNDER THIS PERMIT**

Coverage under this permit is limited to the filling of, and the discharge of dredged material into, Category 1 and Category 2 isolated wetlands, of up to a total of ½ acre or less. The filling of, or discharge of dredged material into, greater than ½ acre of Category 1 or 2 wetlands, or any Category 3 isolated wetlands is specifically not authorized under this general permit.

## **Part II. NOTIFICATION REQUIREMENTS**

- A) Contents of Notification: For coverage under this general permit, a PAN must be submitted to the Ohio EPA and must contain the following information:
- 1) A completed General Isolated Wetlands Permit Application Form;
  - 2) An acceptable wetland delineation as performed in accordance with the 1987 U.S. Army Corps of Engineers wetland delineation manual and any other procedures and requirements adopted by the U.S. Army Corps of Engineers for delineating wetlands, including a determination from the U.S. Army Corps of Engineers that the wetlands proposed to be covered by this permit are isolated;
  - 3) A completed Ohio Rapid Assessment Method (ORAM 5.0) wetland categorization form for each isolated wetland on the project site. Ohio EPA will make the final assignment of a wetland category through application of the ORAM for wetlands version 5.0;
  - 4) A detailed project description;
  - 5) Maps showing project footprint/wetlands, including a U.S. Geological Survey topographic map, and other maps that may be pertinent to assessing the functional level of the isolated wetlands proposed to be covered under the PAN, such as county soil maps and National/Ohio Wetland Inventory maps;
  - 6) Photographs of each isolated wetland proposed to be covered by this permit with a photograph location map showing photograph number and direction the photograph was taken; and
  - 7) An acceptable mitigation proposal in accordance with ORC Sections 6111.022(D) and 6111.027.

- B) Fees: A PAN shall be accompanied by appropriate fees as specified in ORC Section 3745.113.
- C) Timing: Within fifteen (15) business days after the Director's receipt of a PAN, Ohio EPA shall notify the applicant whether the application is complete. If the application is not complete, Ohio EPA shall include in the notice an itemized list of the information or materials necessary to complete the application. If the applicant fails to provide the information or materials that are necessary to complete the application within sixty (60) days after the Director's receipt of the PAN, Ohio EPA may return the application and take no further action on it.

The Director shall notify the applicant within thirty (30) days after the Director's receipt of a complete PAN if the proposed filling of, or the discharge of dredged material into, the isolated wetlands will result in a significant negative impact on state water quality and, therefore, the project is not authorized under this general permit. If the applicant has not received notice that the project is not authorized by this general permit within thirty (30) days after the Director's receipt of a complete PAN, the applicant may move forward with the proposed project in accordance with the conditions stated in this general permit.

### **Part III. PERMIT CONDITIONS**

Projects authorized under this General Isolated Wetland Permit shall be subject to the following conditions:

- A) The project shall be constructed in accordance with the information as set forth in the complete PAN.
- B) Only suitable material, free of toxic contaminants in other than trace quantities, shall be used as fill material.
- C) The use of asphalt and rubber tires as fill is prohibited under this permit.
- D) When a project will result in the temporary removal of hydric topsoil from isolated wetlands, the hydric soil shall be separated and placed as the topmost backfill layer when the wetland are restored.
- E) Wetland narrative and chemical criteria described at Rules 35-45-1-51 and 3545-1-52 of the Administrative Code shall be maintained in isolated wetlands wholly or partially avoided.
- F) Except for linear transportation projects, visible signage shall be placed

around the delineated boundary of avoided wetlands. The sign shall read as follows,

“This area has been identified as a regulated wetlands. No filling may occur without first obtaining all necessary permits. For questions, please contact Ohio EPA at 614-644-2001.”

#### **Part IV. MITIGATION**

- A) Mitigation, in accordance with ORC Sections 6111.022(D) and 6111.027, is required in order to qualify for coverage under this General Isolated Wetland Permit.
- B) 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.
- C) Mitigation for the filling of, or the discharge of dredged material into, isolated wetlands covered under this permit shall be conducted in accordance with the following ratios:
  - 1) For Category 1 and Category 2 isolated wetlands, other than forested Category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted at a rate of two times the area of isolated wetland that is being impacted;
  - 2) For forested Category 2 isolated wetlands, mitigation located at an approved wetland mitigation bank shall be conducted at a rate of two and one-half times the area of isolated wetland that is being impacted;
  - 3) All other mitigation shall be subject to mitigation ratios established in division (F) of rule 3745-1-54 of the Administrative Code.
- D) Mitigation that involves the enhancement or preservation of isolated wetlands shall be calculated and performed in accordance with rule 3745-1-54 of the Administrative Code.
- E) The mitigation site shall be protected in perpetuity, and appropriate practicable management measures, including reasonable vegetative buffers, shall be implemented to restrict harmful activities that jeopardize the

mitigation.

- F) When mitigation will occur at an approved wetland mitigation bank, mitigation credits must be acquired within 15 days after receipt of the written notice of approval authorizing impacts to isolated wetlands.
- G) Construction of on-site mitigation, or off-site mitigation not located at an approved bank, shall commence within 15 days after completion of fill activities authorized under this General Permit, and shall be completed prior to termination of coverage of approval under this General Isolated Wetland Permit specified in ORC 6111.022(E).

#### **Part V. LIMITATIONS**

An applicant that qualifies for coverage under this general permit shall complete the the filling of, and the discharge of dredged material within two (2) years after the end of the thirty-day period following the Director's receipt of a complete PAN. If the applicant does not complete the the filling of, and the discharge of dredged material within that two-year period, the applicant shall submit a new PAN in accordance with ORC Section 6111.022. This two-year, project-specific time limitation should not be confused with the five-year effective period of this General Isolated Wetland Permit.

#### **Part VI. FURTHER INFORMATION**

Coverage under this general permit does not relieve the applicant from the need to obtain other Federal, State, or local permits, approvals, or authorizations required by law.