



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

OHIO E.P.A.
APR - 8 2015

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: Janja Lassiter Date: 4-8-15

Certified Mail

**Re: Ballville Dam Removal
Permit - Intermediate
Approval
401 Wetlands
Sandusky
DSW401144364**

April 8, 2015

The Honorable Jim Ellis
Mayor of the City of Fremont
323 South Front Street
Fremont, Ohio 43420

Subject: Ballville Dam Removal
Sandusky County / Ballville Township / City of Fremont
Grant of a Section 401 Water Quality Certification; Preferred Design
Alternative
Ohio EPA ID No. 144364

Dear Stakeholders:

I hereby authorize the above referenced project under one or both of 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 "certification") with respect to water pollution and does not relieve the Certification Holder of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Sandusky watershed (HUC 04100011) as authorized by this certification 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

The watershed in which this project is located, Indian Creek-Sandusky River (HUC 04100011-13-02), has an area of 37.59 square miles of which 26.10% is developed, 4.10% is forest, 1.30% is grass/pasture, 66.90% is row crops, and 1.60% is other.

The Sandusky River is designated warmwater habitat.

B. Project Description

The project is located in the Sandusky River, approximately 18 river miles upstream of Lake Erie. The project entails the removal of the Ballville Dam, seawall modification, and installation of an ice control structure. The project purpose is to restore the free flowing riverine habitat.

C. Impacts

Under the preferred design alternative, impacts to waters of the state are as follows:

- Streams – Impacts include access and staging areas, seawall modification, bank stabilization, and installation of an ice control structure.

Stream ID	Existing Use	Type* E, I, or P	QHEI Score*	Impact Type	Total Length Impacted (LF)
Sandusky River (below dam)	WWH	P	93	Fill	577
Sandusky River (above dam)	WWH	P	52	Fill	589
Total					1,166

* As provided by applicant

- Wetlands – Impacts include installation of the ice control structure, access and staging areas.

Wetland ID	Isolated or Non-isolated	Forested or Non-forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
6	Non-isolated	Non-forested	2	0.08	0.01	88%
14	Non-isolated	Forested	3	2.47	0.06	98%
15	Non-isolated	Forested	3	10.89	0.03	100%
17	Non-isolated	Non-forested	1	0.09	0.09	0%
18	Non-isolated	Forested	3	0.18	0.18	0%
19	Non-isolated	Forested	3	1.87	0.30	84%
Totals				15.58	0.67	96%

3. Lakes – Impacts to lakes are not authorized under this certification.

PART II TERMS & CONDITIONS

- A. Terms and conditions outlined in this section apply to project and mitigation construction as described in this certification.
- B. The Certification Holder shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this certification, upon the start and completion of site development and mitigation construction.
- C. A copy of this certification shall remain on-site for the duration of the project and mitigation construction activities.
- D. In the event of an inadvertent spill, the Certification Holder 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. Several public water systems using ground water are located near the project areas. This project may affect the public water system wells that serve the Lutz Elementary School and Lazy River Campground. Precautions must be taken to limit any affect on the water supply.
- G. 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.

- H. 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.
- I. 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 certification.
- J. In the event that there is a conflict between the certification application, including the mitigation plan, and the conditions within this certification, the condition shall prevail unless Ohio EPA agrees, in writing, that the certification application or other provision prevails.
- K. The Certification Holder shall provide electronic maps of the development area and the mitigation area to Ohio EPA 401 WQC and Isolated Wetland Permitting Section within 30 days of the date of this certification. JPEG, TIFF, PDF or BMP files are acceptable. When sending the electronic files, include the Ohio EPA ID Number and the Army Corps of Engineers Number (if applicable). If possible, these electronic maps shall be GIS shape files or Geodatabase files. If this is not possible, the electronic maps shall be in another electronic format readable in GIS (GIF, TIF, etc). The electronic files shall be sent to the following e-mail address: EPA.401Webmail@epa.ohio.gov

If the files are too large to send by e-mail, a disk containing the electronic files shall be mailed to the following address:

Ohio Environmental Protection Agency
Division of Surface Water
Attn: 401 WQC/IWP/Mitigation Section Manager
50 West Town Street, Suite 700
PO Box 1049
Columbus, OH 43216-1049

- L. 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

M. 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, chromated copper 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.

N. Wildlife Protection

1. Native live mussels located on exposed banks/margins of the former impoundment will be rescued and relocated to suitable habitat in the Sandusky River upstream of the dam. This activity will be coordinated with ODNR and the U.S. Fish and Wildlife Service to ensure appropriate level of effort and effectiveness.
2. The Ohio Department of Natural Resources Natural Heritage Database has a record within the Sandusky River at the project site for a population of the Greater Redhorse (*Moxostoma valenciennesi*). No in-water work shall take place during the environmental window from March 15 to June 30, 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.

PART III MITIGATION

A. Description of Required Mitigation

1. Stream Mitigation – Removal of the dam will increase the functions and values of this segment of the Sandusky River; therefore, additional compensatory mitigation for stream impacts will not be required for this project.
2. Wetland Mitigation – The entire Darr-Root property (parcel numbers 346000011005, 346000025200 and 346000025100), which contains 17.13 acres of wetland, will be preserved in perpetuity via an environmental covenant.

B. Protection in Perpetuity

1. For the above described wetland mitigation area, the Certification Holder shall submit to Ohio EPA an acceptable, notarized, recorded, and filed Environmental Covenant prior to the date of the initial discharge of fill into waters of the state authorized in this certification. The Environmental Covenant shall include an aerial photograph showing the boundaries of the preserved area, and shall protect, in perpetuity, parcel numbers 346000011005, 346000025200 and 346000025100.
2. Signs shall be placed within visual distance along the mitigation area that indicate the area is a protected wetland mitigation area and that dumping or any other activity that would result in a degradation of the wetland without prior authorization from Ohio EPA is prohibited.

PART IV NOTIFICATIONS TO OHIO EPA

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

Certification Holder Name:	Jim Ellis, Mayor of the City of Fremont
Project Name:	Ballville Dam Removal
Ohio EPA ID No.:	144364

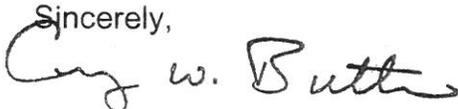
and shall be sent to:

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,



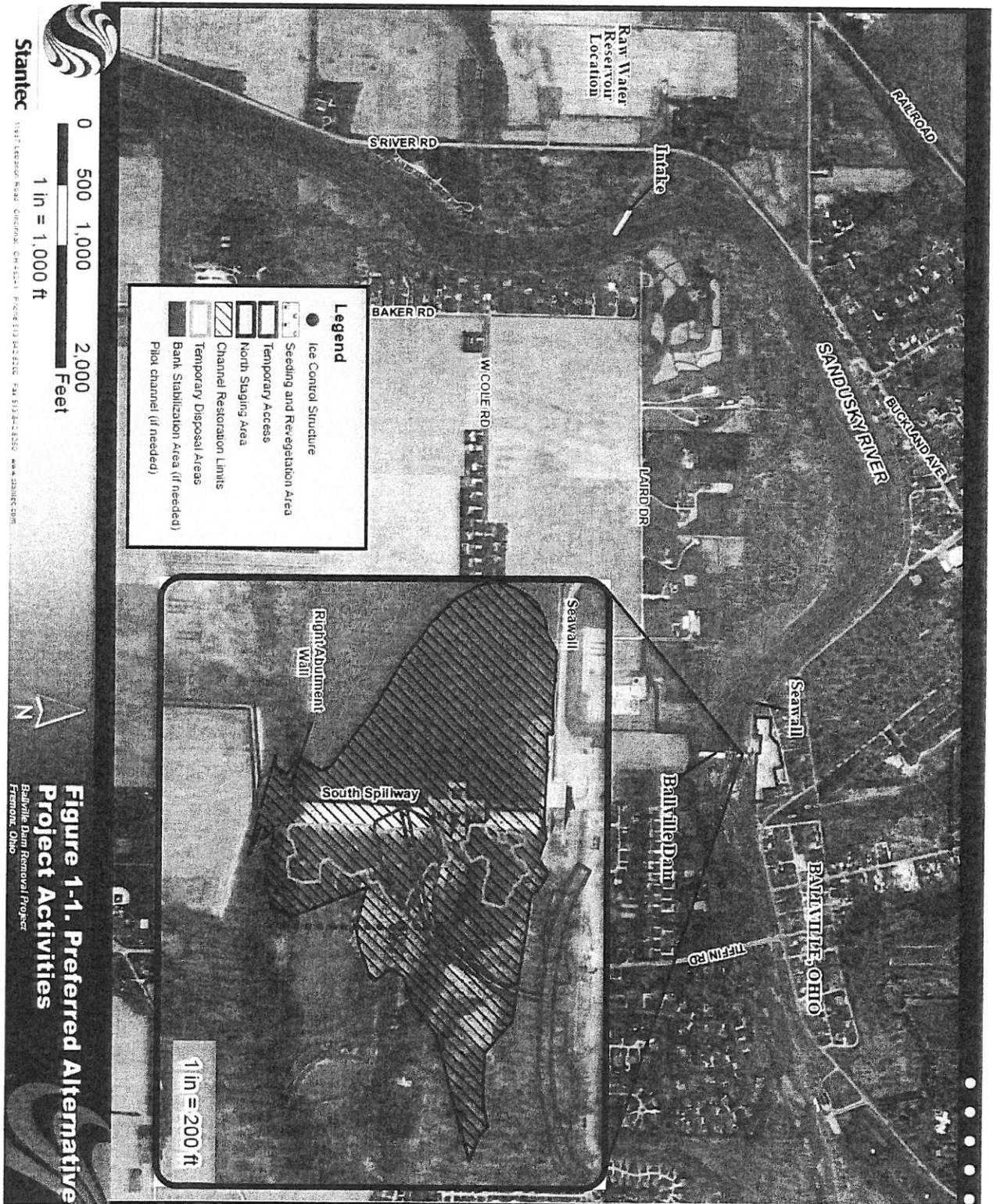
Craig W. Butler
Director

cc: Joseph Krawczyk, Department of the Army, Buffalo District, Corps of Engineers
Peter Swenson, U.S. EPA, Region 5
Dan Everson, U.S. Fish & Wildlife Service
John Kessler, ODNR, Office of Real Estate
Dave Snyder, Ohio Historical Preservation Office
Heather Allamon, Ohio EPA, DSW, Section 401/IWP
Jeff DeShon, Ohio EPA, DSW, EAS
Megan Wolf, Ohio EPA, DSW, Mitigation Coordinator
Cody Fleece, Stantec

Attachments: Project Site
Environmental Covenant Site

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. Project Site



Attachment 2. Environmental Covenant Site

