The Chief of Engineers
HQUSACE
Attn: CECW-OR
Washington, D.C. 20314-1000

Re: All Counties, Cities and Townships in Ohio
Grant of Clean Water Act section 401 water quality certification
Authorization of discharge of dredged or fill material to various waters of the State for the following nationwide permits as proposed in the February 16, 2011, *Federal Register* (Volume 76, Number 32):

Dear Stakeholder:

Pursuant to section 401 of the Federal Water Pollution Control Act, 33 U.S.C. section 1341; Ohio Revised Code chapters 119 and 6111; Ohio Administrative Code chapters 3745-1, 3745-32 and 3745-47; and, the proposed United States Army Corps of Engineers regional conditions public noticed on April 13, 2011, I hereby certify that the nationwide permits as proposed in the February 16, 2011, *Federal Register* will comply with the applicable provisions of sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act. These certifications are specifically limited to section 401 water quality certifications with respect to water pollution and do not relieve the applicant of further certifications or permits as may be necessary under applicable state and federal laws and/or local ordinances. Corps of Engineers Civil Works Projects in the State of Ohio are subject to the general and special limitations and conditions of this certification.

I have determined that any lowering of water quality in various waters of the state as authorized by these certifications is necessary. I have considered the technical, social and economic factors concerning these applications and their impact on waters of the state. These certifications are issued for impacts to waters of the state that may occur pursuant to activities authorized by the nationwide permits, as listed below, provided the specified certification conditions are satisfied.

Nationwide Permits

1. Aids to Navigation
2. Structures in Artificial Canals
3. Maintenance
4. Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities
5. Scientific Measurement Devices
6. Survey Activities
7. Outfall Structures and Associated Intake Structures

8. Oil and Gas Structures on the Continental Shelf (Not Applicable in Ohio)
9. Structures in Fleeting and Anchorage Areas
10. Mooring Buoys
11. Temporary Recreational Structures
12. Utility Line Activities
13. Bank Stabilization
14. Linear Transportation Projects
15. U.S. Coast Guard Approved Bridges
16. Return Water From Upland Contained Disposal Areas
17. Hydropower Projects (Denied - Individual 401 WQC Required)
18. Minor Discharges
19. Minor Dredging
20. Response Operations for Oil and Hazardous Substances
21. Surface Coal Mining Activities
22. Removal of Vessels
23. Approved Categorical Exclusions
24. Indian Tribe or State Administered Section 404 Programs (Not Applicable in Ohio)
25. Structural Discharges
26. [Reserved]
27. Aquatic Habitat Restoration, Establishment, and Enhancement Activities
28. Modifications of Existing Marinas
29. Residential Developments
30. Moist Soil Management for Wildlife
31. Maintenance of Existing Flood Control Facilities
32. Completed Enforcement Actions
33. Temporary Construction, Access, and Dewatering
34. Cranberry Production Activities
35. Maintenance Dredging of Existing Basins
36. Boat Ramps
37. Emergency Watershed Protection and Rehabilitation
38. Cleanup of Hazardous and Toxic Waste
39. Commercial and Institutional Developments
40. Agricultural Activities
41. Reshaping Existing Drainage Ditches
42. Recreational Facilities
43. Stormwater Management Facilities
44. Mining Activities (Denied - Individual 401 WQC Required)
45. Repair of Uplands Damaged by Discrete Events
46. **Discharges into Ditches (Denied - Individual 401 WQC Required)**
47. [Reserved]

48. Existing Commercial Shellfish Aquaculture Activities (Denied - Individual 401 WQC Required)
49. Coal Remining Activities
50. Underground Coal Mining Activities
A. Land-Based Renewable Energy Generation Facilities
B. **Water-Based Renewable Energy Generation Pilot Projects (Denied - Individual 401 WQC Required)**

PART ONE: GENERAL LIMITATIONS AND CONDITIONS FOR ALL OHIO EPA CERTIFIED NATIONWIDE PERMITS

A. WATER SUPPLY INTAKES

Individual state water quality certification is required for all projects located within the emergency management zone[1] of any public water supply intake structure except for projects where the activity is for the repair or improvement of the public water supply intake structures or adjacent bank stabilization. In areas where an emergency management zone has not been established (such as, Lake Erie and the Ohio River), the setback distance from public water supply intake structure is 1,500 feet.

To determine if a proposed project is located within the emergency management zone of a public drinking water supply intake contact Ohio EPA's Source Water and Assessment Program. Please include the following information in the request:

- the location of the existing or proposed facility including a map showing the facility footprint or work location;
- the reason for the request (such as "river/lake dredging"); and
- contact information, including an email address.

Requests can be emailed to whp@epa.state.oh.us or faxed to (614) 644-2909.

B. CULVERTS

[1] **"Emergency management zone" (EMZ)** means the surface and subsurface area in the immediate vicinity of a public water system intake as delineated or endorsed by the agency [Ohio EPA] under the Source Water Assessment and Protection Program within which the public water supply owner/operator has little or no time to respond to potential contamination from a spill, release or weather related event. The standard emergency management zone boundary consists of a semi-circle that extends 500 feet upstream of the intake and 100 feet downstream of the intake, except as modified due to local conditions.

1. When practicable, bottomless culverts shall be used on intermittent and perennial streams. Otherwise, culverts placed on intermittent or perennial streams shall be installed with the culvert base below the substrate to allow natural channel bottom to develop and be retained. 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.

2. New permanent or temporary flood plain culverts shall be installed where the flood prone area is greater than twice the width of the stream at the ordinary high water mark of that stream.

3. Culverts shall be installed at the existing streambed slope, not exceeding three percent, to allow for the natural movement of bedload and aquatic organisms.

4. For perennial and intermittent streams, culverts with less than three percent grade or not installed on bedrock shall have the lower 10 percent of all culvert bottoms buried below the existing stream grade. Hydraulic design shall be based upon the remaining open portion of the culvert.

C. DREDGE MATERIAL MANAGEMENT FROM LAKE ERIE COASTAL AREAS[2]

1. Dredged material that is greater than 60 percent sand (0.063 mm grain size), as determined by grain size analysis, shall not be entombed in any structure and shall be removed prior to construction and placed in the littoral zone, downdrift of the project site.

2. Dredged material that is less than 60 percent sand and is below the 75th percentile of the surficial background sediment contamination concentrations of the basin proposed for disposal (as identified in “Surficial Sediment Contamination in Lakes Erie and Ontario, (Table 1) 2002, Journal of Great Lakes Research Volume 28(3) pages 437-450 by Christopher H. Marvin et al) may be placed in the open lake.

[2] Lake Erie coastal area, as defined in the state coastal management law (ORC § 1506.01(A)), means "the waters of Lake Erie, the islands in the lake and the lands under and adjacent to the lake, including transitional areas, wetlands and beaches.”

D. BEST MANAGEMENT PRACTICES

1. All best management practices 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, if required.

   A copy of the Rainwater and Land Development Manual is available at: http://www.dnr.state.oh.us/tabid/9186/default.aspx#Manual

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

2. All avoided water resources and associated buffers/riparian areas shall be demarcated in the field and protected with suitable materials (e.g., silt fencing, snow fencing, signage, etc.) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.

3. Disturbance and removal of vegetation from the project construction area is to be avoided where possible and minimized when necessary. Entry to surface waters shall be through a single point of access whenever practicable to minimize disturbance to riparian habitat. Unavoidable temporary impacts to riparian habitat shall be restored as soon as practicable after in-water work is complete using tree and shrub species native to the specific ecoregion where the project is located.

4. All dredged material placed at an upland site shall be controlled so that sediment runoff to adjacent surface waters is minimized to the maximum extent practicable.

5. Straw bales shall not be used as a form of erosion/sediment control unless used in conjunction with another structural control such as silt fencing.

6. Upon the cessation of earth moving activities, any hydric topsoil removed from a trench shall be separated and saved for later placement as the topmost back fill layer when the trench is refilled.

7. Heavy equipment shall not be placed below the ordinary high water mark of any surface water, except when no other alternative is practicable.

8. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.

9. Cadmium chromium arsenate (CCA) and creosote treated lumber shall not be used in structures that come into contact with waters of the state.

E. WILDLIFE PROTECTION

1. Applicants shall coordinate with the Ohio Department of Natural Resources to determine if the proposed projects will jeopardize the existence of an endangered or threatened species as listed by the Ohio Department of Natural Resources or likely to destroy or adversely modify the habitat of such species. Information on Ohio's endangered or threatened species may be obtained by submitting an Ohio Biodiversity Database Data Form to the Ohio Department of Natural Resources, Division of Wildlife at 2045 Morse Rd., Bldg. G-3, Columbus, Ohio 43229-6693; Phone: (614) 265-6452. Biodiversity Database Data Forms can be obtained from the Division of Wildlife by visiting wildohio.com, clicking on Wildlife Resources, selecting Ohio Biodiversity Database from the left navigation bar and clicking on the Biodiversity Database Data Form.

   For the conditions of this certification to apply, the applicant must demonstrate, via a letter from the Ohio Department of Natural Resources, Division of Wildlife, that either the project area does not contain a listed species or that the project will have no adverse effect on a listed species.

   If ODNR determines that the project may have an adverse effect on a listed species, individual certification is required.

2. In the event that a threatened or endangered species is encountered during construction, work must cease immediately and the Ohio Department of Natural Resources, Division of Wildlife must be contacted for further evaluation.

F. MITIGATION

1. Compensatory mitigation is required for the discharge of dredged or fill material into wetlands when cumulative wetland impacts, whether temporary or permanent, exceed one-tenth acre.

2. When required, compensatory mitigation shall be provided in accordance with chapters 3745-1 and 3745-32 of the Ohio Administrative Code. Compensatory mitigation for unavoidable temporary and permanent impacts to wetlands shall occur at the ratios provided in rule 3745-1-54 of the Ohio Administrative Code.

3. When compensatory mitigation will be provided wholly or in part at a mitigation bank, credit purchase shall only be authorized at those banks approved by the interagency review team and having an active instrument signed by the director of Ohio EPA.

4. Compensatory mitigation projects for stream impacts shall result in the preservation, restoration, or enhancement of stream habitat and/or biological functions.

G. MISCELLANEOUS

1. Nationwide permits cannot be combined to increase any of the special or general limitations and conditions of this certification.

2. Authorization under this certification does not relieve the permittee from the responsibility of obtaining any other federal, state or local permits, approvals or authorizations.

3. In the event that the issuance of a nationwide permit by the Corps requires individual state water quality certification for an activity that constitutes an emergency as defined in 33 CFR 325.2(e)(4), the limitation and/or condition requiring the individual water quality certification is not applicable and the project may proceed upon approval by the Corps provided all other terms of this certification, including mitigation, have been met.

4. In nationwide permits where the district engineer has been granted authority to waive certain requirements, the corresponding limitations and conditions of this certification shall apply unless written authorization from the Director of Ohio EPA is obtained to authorize additional impacts.

5. Representatives from Ohio EPA, Division of Surface Water will be allowed to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of this certification. This includes, but is not limited to, access to and copies of any records that must be kept under the

conditions of this certification; and, authorization to sample and/or monitor any discharge activity or mitigation site. Ohio EPA will make a reasonable attempt to notify the applicant of its intention to inspect the site in advance of that inspection.

6. For any project that does not qualify under one or more of the terms and conditions of this certification, Ohio EPA may, nevertheless, determine, on a case-by-case basis, that a project will have such a minimal impact on water quality that individual state water quality certification is not necessary. This consideration only applies to stream and lake shoreline length limitations, stream designated/existing aquatic life uses and stream antidegradation categories provided all other terms and conditions of this certification, including mitigation, have been met. No conditions of this certification may be exempted without the written authorization from the Director of Ohio EPA.

   To qualify for consideration, the applicant must provide to Ohio EPA the following information:

   a. a copy of the pre-construction notification submitted to the Army Corps of Engineers including all attachments;

   b. a copy of the provisional nationwide permit issued by the Army Corps of Engineers including all attachments and special conditions, if any;

   c. a detailed description of the proposed mitigation or a copy of the mitigation plan as approved by the Army Corps of Engineers;

   d. a rationale of how the applicant believes the project will minimally impact water quality; and

   e. any other documentation as may be required under this certification.

PART TWO: SPECIAL LIMITATIONS AND CONDITIONS FOR OHIO EPA CERTIFIED NATIONWIDE PERMITS

Nationwide Permit 1 (Aids to Navigation)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

Nationwide Permit 2 (Structures in Artificial Canals)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

Nationwide Permit 3 (Maintenance):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

4. This certification does not authorize the replacement of existing structures that are open to the flow of water with structures that are not open to the flow of water.

5. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

6. Replacement vertical bulkheads are not to be placed more than an average of one foot waterward of the intersection of the ordinary high water mark of the waterbody and the existing shoreline.

7. Removal of accumulated sediment shall occur only once per year and shall be limited to low-flow conditions, except in cases of emergency situations that threaten life or property.

Nationwide Permit 4 (Fish and Wildlife Harvesting, Enhancement, and Attraction Devices and Activities)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

Nationwide Permit 5 (Scientific Measurement Devices)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

Nationwide Permit 6 (Survey Activities)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

Nationwide Permit 7 (Outfall Structures and Associated Intake Structures):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

4. Except for maintenance activities authorized under this nationwide permit, individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    b. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    c. state wild and scenic rivers;

    d. national wild and scenic rivers;

    e. general high quality water bodies which harbor Federally listed threatened and/or endangered species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    f. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    g. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

5. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

6. This certification does not authorize the construction of new point source discharges to wetlands.

7. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

8. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 8 (Oil and Gas Structures on the Outer Continental Shelf)
Not applicable.

Nationwide Permit 9 (Structures in Fleeting and Anchorage Areas)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands require individual state water quality certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

Nationwide Permit 10 (Mooring Buoys)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

Nationwide Permit 11 (Temporary Recreational Structures)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

Nationwide Permit 12 (Utility activities)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Except for maintenance activities authorized under this nationwide permit, individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    b. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    c. state wild and scenic rivers;

    d. national wild and scenic rivers;

e. general high quality water bodies which harbor Federally listed threatened and/or endangered species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County; and

f. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

4. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

5. Temporary or permanent impacts that result in the physical disturbance of more than 500 linear feet of forested wetland soils (containing woody vegetation six meters or taller) are not authorized under this certification.

6. Temporary or permanent impacts as a result of stream crossings shall not exceed a total of three per stream mile per stream.

7. Temporary or permanent impacts from new buried utility lines that cross more than 1,500 linear feet (cumulative for the entire project) of surface waters, including wetlands, require individual state water quality certification.

8. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

9. Projects with temporary or permanent impacts (cumulative for the entire project) to surface waters, including wetlands, located in three or more 8-digit hydrologic units require individual state water quality certification.

10. All hydric soils up to 12 inches in depth within wetlands shall be stockpiled and replaced as the topmost backfill layer. Best management practices, such as silt fencing and soil stabilization, shall be implemented to reduce erosion and sediment run-off into adjacent wetlands.

11. The stockpiling of side cast dredged material in excess of three months requires individual state water quality certification.

12. Buried utility lines shall be installed at a 90 degree angle to the stream bank to the maximum extent practicable. When a 90 degree angle is not possible, the length of any buried utility line within any single water body shall not exceed twice the width of that water body at the location of the crossing.

13. The total width of any excavation, grading or mechanized clearing of vegetation and soil shall not exceed 25 feet on either side of a utility line or a total width of 50 feet on both sides of a utility line.

14. This certification does not authorize the construction of new point source discharges to wetlands.

15. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

16. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 13 (Bank Stabilization)

1. Unless otherwise stated, the certification conditions listed below apply to all bank stabilization projects.

2. Ohio state certification general limitations and conditions apply to this nationwide permit.

3. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

a. category 3 wetlands;

b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams when the cumulative impacts exceed 100 linear feet and/or the source of hydrology is impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 500 linear feet.

4. For bank stabilization projects located within the Lake Erie coastal zone, the project must be located in a known Coastal Erosion Area as established by the Ohio Department of Natural Resources.

5. Bioengineering techniques shall be utilized, if practicable.

6. Material used for bank stabilization shall be free from toxic contaminants in other than trace quantities, free of exposed rebar, free of debris and may consist of rock, stone, vegetative erosion control measures, broken concrete rubble and clean soil. Asphalt and tires are explicitly excluded as materials suitable for bank stabilization.

7. Vertical bulkheads shall not be placed more than one foot waterward of the intersection of the ordinary high water mark of the water body and the existing shoreline. Toe stone shall be placed at the base of the vertical bulkhead except

in areas where the original shoreline is composed of bedrock and slopes are predominantly greater than 75 percent or where the placement of toe stone will interfere with shipping activity. When required, toe stone shall be placed at an average rate of one-third the total height of the vertical bulkhead at a 2:1 slope.

8. This certification does not authorize the construction of new point source discharges to wetlands.

9. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

10. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 14 (Linear Transportation Projects):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

2. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

3. Temporary or permanent impacts as a result of stream crossings shall not exceed a total of three per stream mile per stream.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may

be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 15 (U.S. Coast Guard Approved Bridges)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not

exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This certification does not authorize the construction of new point source discharges to wetlands.

4. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

5. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 16 (Return Water from Upland Contained Disposal Areas)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

a. category 3 wetlands;

b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams lake shorelines when cumulative impacts exceed 300 linear feet.

3. This nationwide permit shall be limited to the authorization of the disposal of materials dredged from sites where there are no known areas of contaminated sediments, provided best management practices are used to minimize adverse impacts to water quality.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures or upland contained disposal areas in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect

the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 17 (Hydropower Projects)

Individual state water quality certification is required for the use of this nationwide permit.

Nationwide Permit 18 (Minor Discharges)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams lake shorelines when cumulative impacts exceed 300 linear feet.

3. This nationwide permit shall not authorize disposal of dredged material into Lake Erie where that is the primary project purpose.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 19 (Minor Dredging)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

a. category 3 wetlands;

b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This nationwide permit shall not authorize dredging in stream riffles as defined in 40 CFR 230.45.

4. This nationwide permit shall not authorize dredging in surface waters that contain contaminated sediments. The applicant shall contact Ohio EPA for a determination whether or not the surface water contains contaminated sediments.

5. This certification does not authorize the construction of new point source discharges to wetlands.

6. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

7. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 20 (Response Operations for Oil and Hazardous Substances)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams.

2. This certification does not authorize impacts, temporary or permanent, to wetlands for the purpose of spill response training exercises.

3. This certification does not authorize the construction of new point source discharges to wetlands.

4. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

5. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 21 (Surface Coal Mining Activities)

1. Ohio EPA will determine compliance with all of the certification conditions of this NWP.

2. Ohio state certification general limitations and conditions apply to this nationwide permit.

3. Individual State Certification is required for the use of this nationwide permit when temporary or permanent impacts are proposed on the following waters:

a. category 3 wetlands;

b. streams with an aquatic life use designation of warmwater habitat, exceptional warmwater habitat, coldwater habitat, seasonal salmonid or any equivalent designation and/or performance;

c. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

d. state wild and scenic rivers;

e. national wild and scenic rivers;

f. general high quality water bodies, which harbor Federally listed threatened and/or endangered species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

g. class III primary headwater habitat streams except for the construction of temporary utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

h. all other streams when cumulative impacts exceed 300 linear feet.

4. Impacts to any waterways with a slope greater than two percent as authorized under this nationwide permit shall be reclaimed and/or reconstructed using natural stream channel design standards identified in the ODNR/DMRM-Ohio EPA Joint Stream Reconstruction Guidelines, when appropriate. Reclamation of streams with less than two percent slope will be constructed using natural channel design techniques.

5. For every project to which authorization under this nationwide permit is sought, the applicant shall provide to Ohio EPA the following information:

   a. total stream length and wetland acreage proposed for impact;

   b. if the project impacts a wetland, a wetland characterization analysis consistent with the Ohio Rapid Assessment Method (completed ten page form);

   c. if the project impacts streams, a use attainability analysis (QHEI and/or HHEI), including results of appropriate biological sampling data; and

d. the Application and Hydrology mining map showing all water resources on the site.

6. This certification does not authorize the placement of any permanent in-stream sediment ponds or haul road crossings. All in-stream sediment ponds shall be removed in accordance with ODNR-DMRM regulations.

7. This certification does not authorize the permanent placement of fill material.

8. This certification does not authorize the construction of new point source discharges to wetlands.

9. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 22 (Removal of Vessels)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

   a. category 3 wetlands;

   b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

Nationwide Permit 23 (Approved Categorical Exclusions)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. This certification only authorizes activities described in 23 CFR Part 771.117 of the Federal Highway regulations.

3. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices

such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 24 (Indian Tribe or State Administered Section 404 Program)
Not Applicable.

Nationwide Permit 25 (Structural Discharges)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This certification does not authorize the construction of new point source discharges to wetlands.

4. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

5. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 26 (Reserved)

Nationwide Permit 27 (Aquatic Habitat Establishment, and Enhancement Activities):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. This certification does not authorize projects where the primary purpose of the project is not the restoration, enhancement and establishment of tidal and non-tidal wetlands and riparian areas and the restoration and enhancement of non-tidal streams and other non-tidal open waters.

3. Bank stabilization activities authorized under this nationwide permit must utilize bioengineering techniques.

4. This certification does not authorize impacts to more than one-half acre of category 2 forested wetlands unless Ohio EPA is a signatory to an Interagency Review Team (IRT) instrument which addresses the impact.

5. Temporary and permanent impacts to category 3 wetlands are not authorized under this certification except for impacts to Lake Erie coastal wetlands[3], which are category 3 wetlands for the following reasons:

    a. The wetland scores less than 60 on the Quantitative Rating of the Ohio Rapid Assessment Method for Wetlands (ORAM), are "hydrologically unrestricted" and contain a predominance of native species within vegetation communities (i.e., they are category 3 wetlands using the Narrative Rating of ORAM), but the wetland has been drained, farmed, or degraded and is unvegetated or sparsely vegetated with wetland annuals or is vegetated with one or several of the following species: *Butomus umbellatus, Lythrum salicaria, Myriophyllum spicatum, Najas minor, Phalaris arundinacea, Phragmites australis, Potamogeton crispus, and/*or *Typha angustifolia;* or

    b. The wetland is diked and managed ("hydrologically restricted"), scores less than 60 on the Quantitative Rating of ORAM, is a category 3 wetland using the Narrative Rating of ORAM because of the presence of state or federally threatened or endangered species, and/or because of the documented presence of significant breeding or non-breeding bird concentration areas, and the proposed activities will not destroy, jeopardize or adversely affect, either directly or indirectly, *the continued existence of the threatened or endangered species.*

6. Impacts to Lake Erie coastal wetlands described above that are authorized under this NWP are as follows (no other impacts to category 3 wetlands except those described below that occur at Lake Erie coastal wetlands are authorized by this certification):
    a. *Tile alteration*. Removing, altering, disabling drain tile or replacing perforated drain tile with non-perforated drain tile.

    b. *De-leveling.* Re-grading for the purposes of microtopography to enhance hydrologic diversity, including the creation of shallow scrapes, channels, submerged islands and interconnected areas of deeper water is

[3] "Lake Erie coastal wetland" means a wetland located at an elevation less than 575 feet on the USGS map, adjacent to this elevation or along a tributary to Lake Erie that is accessible to fish.

authorized. Final grade of any excavation, following topsoil replacement if applicable, shall not exceed 60-cm (approximately two feet). Replacement of the original excavated topsoil is required for all de-leveling activities except when the seed bank is dominated by invasive vegetation. In these cases the area must be seeded by using a seed mix of native Ohio vegetation indigenous to the area/region where the project is located and appropriate for the hydrological regime present in the area. Excess spoils that are not able to be incorporated into the regrading activities shall be deposited in adjacent non-wetland areas, used in other restoration activities listed in this paragraph or trucked to an upland area off-site.

c. *Ditch plugs and ditch fills.* Ditch plugs and water control structures: Disabling surface drains by filling lengths, provided that the surface drains originate on the property of the project sponsors and have no base flow or installing water control structures (e.g., riser structures, flap gates, fixed weirs, trickle tubes). Ditch plugs may include an emergency spillway to safely route flows back into the ditch below the plug.

d. *Earthen embankments*. Earthen fill structures that do not exceed 1.8 m (six feet) in height with side slopes of 3:1 or greater with less than 50 acre-feet of storage. The embankments may include rock or vegetated overflow structures to pass base-flow as needed.

e. *Interior dikes.* Earthen fill structures constructed within the interior of an existing diked and managed wetland for the purpose of improving management of hydrology in the diked wetland in order to facilitate control of invasive plant species, exclude or control invasive animal species, improve habitat features, etc.

Prior to the undertaking of any of the above-listed activities, Ohio EPA shall be provided with advance written notice and an opportunity to discuss the proposed activities. If Ohio EPA determines that the proposed activity does not meet the applicability requirements of this paragraph or might otherwise result in a degradation of waters of the state, the applicant shall apply for an individual section 401 water quality certification.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 28 (Modifications of Existing Marinas)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

4. Non-floating boat docks shall be constructed in a manner which will minimize obstructions to flow.

Nationwide Permit 29 (Residential Developments)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best

management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 30 (Moist Soil Management for Wildlife)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not

exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This certification does not authorize the construction of new point source discharges to wetlands.

4. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

5. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 31 (Maintenance of Existing Flood Control Facilities)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. This nationwide permit shall only authorize projects constructed by the Corps of Engineers and maintained by the Corps or transferred by the Corps to a local sponsor.

3. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

a. category 3 wetlands;

b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies, which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a

hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 32 (Completed Enforcement Actions)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. This certification does not authorize any project with impacts to category 3 wetlands; impacts to category 1 and category 2 wetlands that exceed three acres; or impacts to any stream in excess of 500 linear feet unless Ohio EPA has been informed, in writing, of each specific project that exceeds these criteria and, based on this information, has chosen not to issue a State Administrative Order or Consent Order resulting from a State enforcement action.

Nationwide Permit 33 (Temporary Construction, Access and Dewatering)

1. The Ohio State Certification General Limitations and Conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

4. Temporary shall be defined as less than one year in duration.

5. This certification does not authorize construction or maintenance or modification of marina basins;

6. This certification does not authorize activities in special aquatic sites as defined in 40 CFR 230.3(q-1);

7. This nationwide permit shall not authorize temporary construction access and dewatering associated with mining activities.

8. This certification does not authorize the construction of new point source discharges to wetlands.

9. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

10. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect

the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 34 (Cranberry Production Activities)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This certification does not authorize the construction of new point source discharges to wetlands.

4. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

5. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 35 (Maintenance Dredging of Existing Basins)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Temporary or permanent impacts to category 3 wetlands are not authorized under this certification.

3. Temporary or permanent impacts to category 1 and category 2 wetlands are limited to one-half acre.

Nationwide Permit 36 (Boat Ramps)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This nationwide permit shall not authorize boat ramps where dredging is required to establish and maintain water depths necessary for boat launching.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 37 (Emergency Watershed Protection and Rehabilitation)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams.

3. This certification does not authorize the construction of new point source discharges to wetlands.

4. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

5. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 38 (Cleanup of Hazardous and Toxic Waste)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

a. category 3 wetlands;

b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams.

3. This nationwide permit shall only authorize projects that are performed, ordered or sponsored by state or federal government agency with established legal or regulatory authority.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 39 (Commercial and Institutional Activities):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 40 (Agricultural Activities):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

4. This certification shall be used only once per farm. For the purposes of this condition, farm shall be defined to include all individual farm tracts, whether or not such tracts are contiguous, that are owned by the applicant.

5. This certification does not authorize the construction of farm ponds in streams or wetlands (i.e., non-tidal waters of the United States).

6. This certification does not authorize the construction of new point source discharges to wetlands.

7. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

8. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The

applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 41 (Reshaping Existing Drainage Ditches):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. This certification only authorizes impacts to existing maintained and channelized water conveyances that have been created or previously modified and maintained for the purpose of draining abutting existing agricultural land or existing roadways and meet the following criteria:

   a. The ditch was man-made and is existing; or

   b. The stream/ditch has existing entrenchment ratios that are less than 1.4 and the proposed dredging impacts do not reduce the sinuosity of the stream/ditch channel.

4. Prior to the commencement of the project, all drainage ditch reshaping projects must be certified in writing by either the Natural Resources Conservation Service or Soil and Water Conservation District or County Engineer in the County where the project occurs, or by a certified professional engineer, that the project complies with the above criteria. In order to be authorized under this paragraph, such certification shall be maintained by the person or entity engaged in the project and a copy shall be sent to: Ohio EPA, Division of Surface Water, Section 401 Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

5. This certification does not authorize the construction of new point source discharges to wetlands.

6. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

7. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of

forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 42 (Recreational Facilities):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams when cumulative stream impacts exceed 300 linear feet.

3. This certification does not authorize the construction, modification or expansion of golf courses or ski areas.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 43 (Stormwater Management Facilities):

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

e. state wild and scenic rivers;

f. national wild and scenic rivers;

g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

4. This certification does not authorize the construction of new point source discharges to wetlands.

5. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

6. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 44 (Mining Activities)
Individual State Water Quality Certification is required for the use of this nationwide permit.

Nationwide Permit 45 (Repair of Uplands Damaged by Discrete Events):

6. Ohio state certification general limitations and conditions apply to this nationwide permit.

7. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

8. This certification does not authorize the construction of new point source discharges to wetlands.

9. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

10. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 46 (Discharges into Ditches):
Individual State Water Quality Certification is required for the use of this nationwide permit.

Nationwide Permit 47 [Reserved]

Nationwide Permit 48 (Existing Commercial Shellfish Aquaculture Activities):
Individual State Water Quality Certification is required for the use of this nationwide permit.

Nationwide Permit 49 (Coal Remining Activities)
Water quality certification is provided for stream, wetland and open water impacts to the following thresholds for surface coal mining within previously mined areas, conducted under a permit issued by the Ohio Department of Natural Resources, Division of Mineral Resources Management (DMRM) that incorporates the standards of the federal Surface Mining Control and Reclamation Act and including activities conducted under contracts to reclaim forfeited coal mining operations or abandoned mine land areas. This certification is limited only to those areas that have been previously mined or directly impacted by areas previously mined.

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    c. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    d. state wild and scenic rivers;

    e. national wild and scenic rivers;

    f. general high quality water bodies which harbor Federally listed threatened and/or endangered species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County; and

    g. class III primary headwater habitat streams except for the construction of temporary utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

3. Using the appropriate functional assessment method as determined by Ohio EPA, this certification authorizes:

    a. unlimited impacts to class I primary headwater habitat streams and streams with a QHEI score less than 45; and

    b. no more than an aggregate total of 2,000 linear feet of impacts to class II primary headwater habitat streams or streams with a QHEI score of 45-60.

    c. unlimited impacts on streams that meet at least two of the following conditions:

i. pH less than 6.0 standard units;

ii. iron greater than 6.0 mg/l/daily; and

iii. manganese greater than 4.0 mg/l/daily.

These conditions must be measured during each of the low, intermediate and high seasonal variation background sampling at the downstream sampling point. Please refer to DMRM Policy and Procedure Directive Permitting and Hydrology 2000-5. Background sampling shall be obtained from a maximum three years prior to the date of submittal.

4. Using Ohio EPA's Ohio Rapid Assessment Method (ORAM), this certification authorizes:

   a. no more than six acres of impact to category 1 wetlands; and

   b. no more than one acre of impact to category 2 wetlands.

5. This certification authorizes unlimited impacts to jurisdictional open waters resulting from previous mining.

6. This certification authorizes unlimited stream impacts associated with activities that satisfy the requirements of Ohio Administrative Code section 1501:13-4-15 for pollution abatement and have an approved pollution abatement plan for coal mining operation.

7. Impacts to any waterways with a slope greater than two percent authorized under this nationwide permit shall be reclaimed and/or reconstructed using natural stream channel design standards identified in the ODNR/DMRM-Ohio EPA Joint Stream Reconstruction Guidelines, when appropriate. Reclamation of streams with less than two percent slope will be completed using natural channel design techniques.

8. Ohio EPA will determine compliance with all of the certification conditions of this NWP.

9. For every project to which authorization under this nationwide permit is sought, the applicant shall provide to Ohio EPA the following information:

   a. total stream length and wetland acreage proposed for impact;

b. if the project impacts a wetland, a wetland characterization analysis consistent with the Ohio Rapid Assessment Method (completed ten page form);

c. if the project impacts streams, a use attainability analysis (QHEI and/or HHEI), including results of appropriate biological sampling data;

d. the Application and Hydrology mining map showing all water resources on the site; and

e. all background water quality sampling data discussed in 3.c. above.

10. This certification does not authorize the placement of any permanent in-stream sediment ponds or haul road crossings. All in-stream sediment ponds shall be removed in accordance with ODNR-DMRM regulations.

11. This certification does not authorize the permanent placement of fill material.

12. This certification does not authorize the construction of new point source discharges to wetlands.

13. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit 50 (Underground Coal Mining Activities):

1. Ohio EPA will determine compliance with all of the certification conditions of this NWP.

2. Ohio state certification general limitations and conditions apply to this nationwide permit.

3. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    c. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    d. state wild and scenic rivers;

    e. national wild and scenic rivers;

    f. general high quality water bodies which harbor Federally listed threatened and/or endangered species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    g. class III primary headwater habitat streams except for the construction of temporary utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    h. all other streams when cumulative impacts exceed 300 linear feet.

4. Impacts to any waterways with a slope greater than two percent authorized under this nationwide permit shall be reclaimed and/or reconstructed using natural stream channel design standards identified in the ODNR-DMRM/Ohio EPA Joint Stream Reconstruction Guidelines, when appropriate. Reclamation of streams with less than two percent slope will be completed using natural channel design techniques.

5. For every project to which authorization under this nationwide permit is sought, the applicant shall provide to Ohio EPA the following information:

f. total stream length and wetland acreage proposed for impact;

g. if the project impacts a wetland, a wetland characterization analysis consistent with the Ohio Rapid Assessment Method (completed ten page form);

h. if the project impacts streams, a use attainability analysis (QHEI and/or HHEI), including results of appropriate biological sampling data; and

i. the Application and Hydrology mining map showing all water resources on the site.

6. This certification does not authorize the placement of any permanent in-stream sediment ponds or haul road crossings. All in-stream sediment ponds shall be removed in accordance with ODNR-DMRM regulations.

7. This certification does not authorize the permanent placement of fill material.

8. This certification does not authorize the construction of new point source discharges to wetlands.

9. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit A (Land-Based Renewable Energy Generation Facilities)

1. Ohio state certification general limitations and conditions apply to this nationwide permit.

2. Individual state water quality certification is required for use of this nationwide permit when temporary or permanent impacts are proposed on or in the following waters:

    a. category 3 wetlands;

    b. category 1 and category 2 wetlands when cumulative impacts exceed one-half acre;

    c. streams with the aquatic life use designation of exceptional warmwater habitat, cold water habitat, seasonal salmonid or any equivalent designation and/or performance;

    d. streams with an antidegradation category of superior high quality water, outstanding national resource water or outstanding state water;

    e. state wild and scenic rivers;

    f. national wild and scenic rivers;

    g. general high quality water bodies which harbor federal and/or state listed threatened and/or endangered mussel species, such as Killbuck Creek in Coshocton County and Pymatuning Creek in Ashtabula County;

    h. class III primary headwater habitat streams except for the construction of utility line and road crossings for which the cumulative impacts shall not exceed 100 linear feet and/or the source of hydrology shall not be impacted; and

    i. all other streams and lake shorelines when cumulative impacts exceed 300 linear feet.

3. For an individual stream, the combined length of an existing culvert and culvert extension shall not exceed 300 linear feet. New and replacement culverts shall be installed as required under part one, general condition B.

4. Temporary or permanent impacts as a result of stream crossings shall not exceed a total of three per stream mile per stream.

5. All hydric soils up to 12 inches in depth within wetlands shall be stockpiled and replaced as the topmost backfill layer. Best management practices, such as silt

fencing and soil stabilization, shall be implemented to reduce erosion and sediment run-off into adjacent wetlands.

6. The stockpiling of side cast dredged material in excess of three months requires individual state water quality certification.

7. Buried utility lines shall be installed at a 90 degree angle to the stream bank to the maximum extent practicable. When a 90 degree angle is not possible, the length of any buried utility line within any single water body shall not exceed twice the width of that water body at the location of the crossing.

8. This certification does not authorize the construction of new point source discharges to wetlands.

9. This certification does not authorize the construction of new storm water management structures in waters of the state (including wetlands).

10. Concentrated storm water runoff from best management structures to natural wetlands shall be converted to diffuse flow before the runoff enters the wetlands. The flow should be released such that no erosion occurs downslope. Level spreaders may need to be placed in series, particularly on steep sloped sites, to ensure non-erosive velocities. Other structural best management structures may be used between storm water features and natural wetlands, in order to protect the natural hydrology, hydroperiod and wetland flora. If the applicant proposes to discharge to natural wetlands, a hydrologic analysis shall be performed. The applicant shall attempt to match the pre-development hydroperiods and hydrodynamics that support the wetland. The applicant shall assess whether the construction activity will adversely impact the hydrologic flora and fauna of the wetland. Practices such as vegetative buffers, infiltration basins, conservation of forest cover and the preservation of intermittent streams, depressions and drainage corridors may be used to maintain wetland hydrology.

Nationwide Permit B (Water-Based Renewable Energy Generation Facilities)
Individual State Water Quality Certification is required for the use of this nationwide permit.

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, OH 43215

Sincerely,

Scott J. Nally
Director

cc: Rebecca Rutherford and Jean Siedel, Department of the Army, Huntington District, Corps of Engineers
Mark Scalabrino and Keith Sendziak, Department of the Army, Buffalo District, Corps of Engineers
Nancy Mullen and Mike Fodse, Department of the Army, Pittsburgh District, Corps of Engineers
Norma Condra, Department of the Army, Louisville District, Corps of Engineers
Peter Swenson, United States Environmental Protection Agency, Region V
Mary Knapp, Department of the Interior, United States Fish & Wildlife Service
Brian Mitch, ODNR, Office of Real Estate & Land Management
Dave Snyder, Ohio Historical Preservation Office
George Elmaraghy, Ohio EPA, DSW