

Section 401 Water Quality Certification (WQC) and Isolated Wetland Permit (IWP)

The following is a partial list of recommendations to use when considering your project. These recommendations will help ensure that your project is feasible, and if so, correctly planned.

- In order to facilitate a more efficient application review process, it is recommended that the applicant submit Section 401 WQC and/or IWP applications in accordance with the Coordinated Application Process (CAP) as approved by Ohio EPA – Division of Surface Water, Ohio Department of Natural Resources - Division of Mineral Resource Management, and United States Army Corps of Engineers - Huntington and Pittsburgh Districts.
- Timber harvesting on a site should not occur until after the applicant has received all permits necessary to mine the site. If timber harvesting must commence before the permits are obtained, harvesting should not occur until after Ohio EPA has verified the use attainability analyses of surface water resources submitted by the applicant.
- Ohio EPA requires that compensatory mitigation for stream and wetland impacts be protected in perpetuity. If mineral rights are to be leased, the applicant should inform the landowner that restrictions will be placed on his or her property to protect on-site stream or wetland compensatory mitigation in perpetuity. The applicant should hold this discussion with the landowner prior to entering into any landowner agreements and submittal of a 401 WQC or IWP application.
- Permanent sediment ponds result in the loss of stream habitat and may block fish passage, and affect water quality in other ways. In order to comply with Ohio Water Quality Standards, permanent ponds should not be proposed in intermittent or perennial streams.
- Temporary sediment ponds should be placed as close to the mining activities as practicable to avoid unnecessary stream impacts from sediment transport.
- Applicants should pre-plan their project assuming a 180-day Ohio EPA decision making timeframe, and therefore eliminate project changes (adjustments to permit boundaries, water resource impacts, etc.) which could result in additional costs to the applicant, as well as longer Ohio EPA review.
- Ohio EPA **cannot make changes or exceptions in review procedures** which are required by State laws and rules to make up for previously lost time by the applicant or to meet unreasonable deadlines.