



State of Ohio Environmental Protection Agency

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February 14, 2006

Re: DRAFT rules for 401 water quality certifications, wetlands, and stream mitigation

Dear Interested Parties:

At this time, the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water is considering adoption of rules that would modify the administrative procedures and methods used to process Section 401 water quality certifications. The rule package would also establish wetland tiered aquatic life uses and specify detailed requirements related to wetland mitigation performance and monitoring. Finally, the rule package would add a detailed stream mitigation procedure that will help to ensure appropriate mitigation for projects that have stream impacts. It is Ohio EPA's hope that by adding these details to the Ohio Administrative Code, applicants will know the requirements up front. This will serve to decrease the review time for applications while strengthening the overall mitigation program in the state.

This letter is to make you aware of, and to solicit your input on, the rules that the Agency is considering. Section 121.39(D) of the Ohio Revised Code requires that Ohio EPA seek this input prior to proposing environmental regulations. Statewide environmental groups, watershed groups, universities and colleges, business and trade associations, local governments and their associations, and other interested persons are being contacted. Please visit our Web site (www.epa.state.oh.us/dsw/rules/drafrules.html), or contact the person identified below, to obtain copies of a fact sheet with more information and the draft rules.

Ohio EPA will hold a full day, technical symposium on Friday, March 10, 2006 to present detailed background information about the changes being considered. This symposium will be held at the ODOT auditorium at 1800 West Broad Street, Columbus, from 8:30 am until 4:30 pm. In addition, there will be four regional information sessions for the general public to begin discussing the suggested changes. These sessions are scheduled as follows:

- Northwest Ohio - March 13, 3:00 - 6:00 pm, Ohio EPA Northwest District Office, Room 125 A&B, 347 North Dunbridge Road, Bowling Green;
- Southeast Ohio - March 14, 3:00 - 6:00 pm, Ohio EPA Southeast District Office, Room 104 A&B, 2195 Front Street, Logan;

Bob Taft, Governor
Bruce Johnson, Lieutenant Governor
Joseph P. Koncelik, Director

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- Northeast Ohio - March 15, 3:00 - 6:00 pm, The West Woods Nature Center, 9465 Kinsman Road (Route 87), Russell; and
- Southwest Ohio - March 16, 3:00 - 6:00 pm, Ohio EPA Southwest District Office, 401 East Fifth Street, Dayton.

Please mail or e-mail your comments to Randy Bournique, Ohio EPA, Division of Surface Water, P.O. Box 1049, Columbus, Ohio 43216-1049, e-mail randy.bournique@epa.state.oh.us by April 17, 2006. After considering all comments, Ohio EPA will make changes, if necessary, formally propose the rules and offer another opportunity to comment. If you would like further information about the rules or about the program in general, please visit our Web site or contact Mr. Bournique at (614) 644-2013.

Sincerely,



George Elmaraghy, P.E., Chief
Division of Surface Water

GE:rb