



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

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

Certified Mail

**Re: Fresenius Medical Care
Permit - Intermediate
Approval
401 Wetlands
Lucas
DSW401144477**

February 9, 2015

Mr. Claude Edward Harmon
Oregon IV Holdings, LLC
6705 Wales Road
Northwood, Ohio 43619

Subject: Fresenius Medical Care
Lucas County / City of Oregon
Grant of a Level Two Isolated Wetland Permit
Ohio EPA ID No. 144477

Dear Stakeholders:

I hereby authorize the above referenced project under one or both of the following authorities and it is subject to the following modifications and/or conditions:

Ohio Isolated Wetland Permit

Pursuant to Ohio Revised Code Chapter 6111, I hereby conclude that the above-referenced project will comply with the applicable provisions of Ohio Revised Code Sections 6111.02 through 6111.028. This authorization is specifically limited to a Ohio Isolated Wetlands Permit (here after referred to as "permit") with respect to water pollution and does not relieve the Permittee of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Cedar-Portage watershed (HUC 04100010) as authorized by this permit is necessary. I have made this determination based upon the consideration of all public comments, if submitted, and the requirements set forth in Ohio Revised Code Sections 6111.02 through 6111.028.

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

The watershed in which this project is located, Otter Creek-Frontal Lake Erie (HUC 04100010-07-06), has an area of 18.13 square miles of which 59.00% is developed, 0.90% is forest, 1.50% is grass/pasture, 30.80% is row crops, and 7.70% is other.

B. Project Description

The project is located at 750 North Lallendorf Road in the city of Oregon at the existing Fresenius Medical Care facility.

The project purpose is to expand the existing facility to meet increased demand for the medical products produced there.

C. Impacts

Impacts to isolated wetlands are as follows:

A total of 0.87 acres of Category 1 isolated wetlands will be permanently filled in to allow for the expansion.

Wetland ID	Isolated or Non-isolated?	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
HA	Isolated	Non-forested	1	0.58	0.58	0
HB	Isolated	Non-forested	1	0.26	0.26	0
HC	Isolated	Non-forested	1	0.03	0.03	0
Totals				0.87	0.87	0

PART II TERMS & CONDITIONS

- A. Terms and conditions outlined in this section apply to project and mitigation construction as described in this permit.
- B. This permit shall be valid for a period of five (5) years from the date of issuance.
- C. The Permittee shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this permit, upon the start and completion of site development and mitigation construction.
- D. A copy of this permit shall remain on-site for the duration of the project and mitigation construction activities.

- E. In the event of an inadvertent spill, the Permittee must immediately call the Ohio EPA Spill Hotline at 1-800-282-9378, as well as the Ohio EPA Section 401/IWP Manager (614-644-2872).
- F. Unpermitted impacts to surface water resources and/or their buffers occurring as a result of this project must be reported within 24 hours of occurrence to Ohio EPA, Division of Surface Water, Section 401/IWP Manager (614-644-2872), for further evaluation.
- G. Pesticide application(s) for the control of plants and animals shall be applied in accordance with rule 3745-1-01 of the Ohio Administrative Code, and may require a site specific application permit from Ohio EPA. Such a permit may be obtained by calling 614-644-2001 and speaking with the Toxicology Specialist.
- H. Blasting shall not be done within or near waters of the state (including wetlands) without prior consultation with the Ohio Department of Natural Resources, Division of Wildlife, to determine what protective measures should be taken to minimize damage to wildlife.
- I. Any authorized representative of the director shall be allowed to inspect the authorized activity at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
- J. In the event that there is a conflict between the permit application, including the mitigation plan, and the conditions within this permit, the condition shall prevail unless Ohio EPA agrees, in writing, that the permit application or other provision prevails.
- K. The Permittee shall provide electronic maps of the development area and the mitigation area to Ohio EPA 401 WQC and Isolated Wetland Permitting Section within 30 days of the date of this permit. JPEG, TIFF, PDF or BMP files are acceptable. When sending the electronic files, include the Ohio EPA ID Number and the Army Corps of Engineers Number (if applicable). If possible, these electronic maps shall be GIS shape files or Geodatabase files. If this is not possible, the electronic maps shall be in another electronic format readable in GIS (GIF, TIF, etc.). The electronic files shall be sent to the following e-mail address: EPA.401Webmail@epa.ohio.gov

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

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

- L. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402
419-352-8461

Additional information regarding environmental permitting assistance at Ohio EPA can be found at http://www.epa.ohio.gov/dir/permit_assistance.aspx

M. Best Management Practices (BMPs)

1. All water resources and their buffers which are to be avoided shall be clearly indicated on site drawings, demarcated in the field and protected with suitable materials (e.g., silt fencing) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.
2. All BMPs for storm water management shall be designed and implemented in accordance with the most current edition of the Ohio Department of Natural Resources Rainwater and Land Development Manual, unless otherwise required by the National Pollutant Discharge Elimination System (NPDES) general permit for storm water discharges associated with construction activities (construction general permit), if required.

A copy of the Rainwater and Land Development Manual is available at:
<http://soilwater.ohiodnr.gov/water-conservation/stormwater-management>

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

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. Materials used for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as fill or bank protection.

6. Concrete rubble used for fill or bank stabilization shall be in accordance with ODOT specifications; free of exposed re-bar; and, free of all debris, soil and fines.
7. Chemically treated lumber which may include, but is not limited to, chromated copper arsenate (CCA) and creosote treated lumber shall not be used in structures that come into contact with waters of the state.
8. Trees removed from temporary impact areas to facilitate construction shall be replaced with appropriate tree species native to Ohio.

PART III MITIGATION

A. Description of Required Mitigation

Impacts to 0.87 acres of Category 1 isolated wetlands will be mitigated at a ratio of 2:1. The Permittee must purchase 1.74 acres of non-forested credit at a wetland mitigation bank.

B. Timing of Mitigation Requirements

Within 30 days of the date of this permit, a copy of the fully executed mitigation bank agreement with Pearson Metropark Wetlands Mitigation Bank shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

PART IV NOTIFICATIONS TO OHIO EPA

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

Permittee Name: Claude Edward Harmon, Oregon IV Holdings, LLC
Project Name: Fresenius Medical Care
Ohio EPA ID No.: 144477

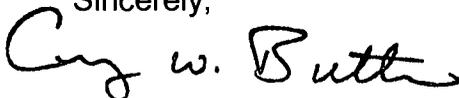
and shall be sent to:

Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street
P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,



Craig W. Butler
Director

cc: Mark Gronceski, Department of the Army, Buffalo District, Corps of Engineers
Peter Swenson, U.S. EPA, Region 5
Acting Field Supervisor, U.S. Fish & Wildlife Service
John Kessler, ODNR, Office of Real Estate
Dave Snyder, Ohio Historical Preservation Office
Vincent Messerly, Ohio Wetlands Foundation
Heather Allamon, Ohio EPA, NWDO
Jeff DeShon, Ohio EPA, DSW, EAS
Megan Wolf, Ohio EPA, DSW, Mitigation Coordinator

Attachments: 1. Site Plan

Ohio EPA has developed a customer service survey to get feedback from regulated entities that have contacted Ohio EPA for regulatory assistance, or worked with the Agency to obtain a permit, license or other authorization. Ohio EPA's goal is to provide our customers with the best possible customer service, and your feedback is important to us in meeting this goal. Please take a few minutes to complete this survey and share your experience with us at <http://www.surveymonkey.com/s/ohioepacustomersurvey>.

