



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

OHIO E.P.A.

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ENTERED DIRECTOR'S JOURNAL

**Certified Mail**

May 4, 2011

Mr. David Berkovitz  
LRC Copley Investors, LLC  
1585 Frederick Boulevard  
Akron, Ohio 44320

I certify this to be a true and accurate copy of the  
official documents as filed in the records of the Ohio  
Environmental Protection Agency.

By: DMJ Lessor Date: 5-4-11

Re: Rothrock Road Development  
Summit County / Copley Township  
Grant of Section 401 Water Quality Certification - Preferred Design Alternative  
ACOE Permit No. 2008-35-TUS  
Ohio EPA ID No. 103675

Dear Stakeholders:

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

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, I hereby certify that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act.

Ohio Isolated Wetland Permit

Pursuant to Ohio Revised Code Chapter 6111 and Ohio Administrative Code Chapter 3745-1, and other applicable provisions of state law, I hereby conclude that the above-referenced project will comply with the applicable provisions of Sections 6111.03 and 6111.04 of the Ohio Revised Code.

This authorization is specifically limited to a Section 401 Water Quality Certification and/or Ohio Isolated Wetlands Permit (here after referred to as "permit") with respect to water pollution and does not relieve the applicant of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Shocalog Run-Pigeon Creek watershed of the Tuscarawas River watershed (12-digit Hydrologic Unit Code 05040001 01 02) as authorized by this permit is necessary. I have made this determination based upon the consideration of all public comments, and including the technical, social, and economic considerations concerning this application and its impact on waters of the state.

## **PART I ON-SITE WATER RESOURCES AND IMPACTS**

### **A. Watershed Setting**

The watershed in which this project is located, Pigeon Creek, has an area of 24.7 square miles. This includes 67.5% developed area, 19.3% forest area, 7.6% grass/pasture area, 1.4% row crops, and 4.2% other.

River Mile: Project site is located along an UNT to Shocalog Run; the unnamed tributary is located at RM 4.45 of Shocalog Run

HUC (12-Digit) and Drainage Name: 05040001 01 02 Pigeon Creek

Designations: The unnamed tributary to Shocalog Run is undesignated.

Shocalog Run is designated Warmwater Habitat, Agricultural Water Supply, Industrial Water Supply, and Primary Contact Recreation

Pigeon Creek is designated Modified Warmwater Habitat (due to channel modification), Agricultural Water Supply, Industrial Water Supply, and Primary Contact Recreation

Watershed Impairment Status and Causes of Impairment: Per the Ohio EPA 2010 Integrated Report:

The causes of impairment in the Pigeon Creek watershed are as follows:

- Direct habitat alterations
- Flow alterations
- Natural limits (wetlands)
- Organic enrichment/DO
- Siltation

The sources of impairment in the Pigeon Creek watershed are as follows:

- Channelization - Development
- Flow regulation/Modification
- Land development/Suburbanization
- Major municipal point source
- Minor municipal point source
- Natural
- Urban runoff/Storm sewers (NPS)

B. Project Description

The project site is approximately 40 acres in size and is located along the west side of Rothrock Road in Copley Township, Summit County, Ohio. The project site is mostly undeveloped land consisting of old field and some second-growth forested land. The application proposes construction of a commercial retail development comprised of two buildings, one with a footprint of 147,806 square feet and the other with a footprint of 136,367 square feet, plus a fueling station. Associated detention basins, paved parking lots, access drives, storm water conveyance piping, and utility connections will also be installed as part of this development. See Attachment 1.

C. Impacts

Under the Preferred Alternative, impacts to waters of the state are as follows:

1. Streams

All the streams on the site will be impacted by construction activities, due in part to construction constraints caused by site topography. Stream 1, which originates off-site, will be partly filled and partly routed through a stormwater basin (Sam's West Basin) before being discharged into an unnamed tributary to Schocalog Run. Streams 1.1 and 1.2 are tributaries to Stream 1. They originate on site and will be impacted by the re-grading of the site. Stream 2 also originates on site and will be impacted by the re-grading of the site.

Stream ID	Existing Use	Type* E, I, or P	HHEI Score*	Impact Type	Total Length on Site (LF)	Total Length Impacted (LF)	Percent Avoided
Stream 1	NA	I	44	Fill; Relocated through Stormwater Basin	1,028	1,028	0.00%
Stream 1.1	NA	E	12	Fill	113	113	0.00%
Stream 1.2	NA	I	23	Fill	145	145	0.00%
Stream 2	NA	I	19	Fill	212	212	0.00%
Totals					1,498	1,498	0.00%

\* As provided by applicant

2. Wetlands

All the wetlands on the project site will be impacted by construction activities. Wetlands A, C, and D will be completely filled. Parts of Wetland B will be filled while other parts will be impacted as the wetland is re-graded and utilized as a stormwater basin (Sam's West Basin or Sam's East Basin).

Wetland ID	Isolated?	Forested?	Category/ Score	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
A	N	N	1 (28)	0.05	0.05	0.00%
B	N	N	1 (18.5)	1.15	1.15	0.00%
C	N	N	2 (32)	0.38	0.38	0.00%
D	N	N	1 (23.5)	0.01	0.01	0.00%
Totals				1.59	1.59	0.00%

3. Lakes

Impacts to lakes are not authorized under this permit.

**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 5 years from the date of issuance.
- C. The applicant 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. By December 31 of each year following the date of this permit and through the duration of project and mitigation construction, a "project update report" shall be submitted to Ohio EPA. This report shall document the status of the filling activities at the development site including dates filling was started and completed, or are expected to be started and completed. If filling activities have not been completed, a drawing shall be provided, which shows the locations and acreage/feet of

wetlands/streams that have not yet been filled. If filling activities have been completed, then as-built drawings shall be submitted, which show where fill was placed.

- E. A copy of this permit shall remain on-site for the duration of the project and mitigation construction activities.
- 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, (614-644-2001), 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 applicant shall provide electronic maps of the development area and the mitigation area to Ohio EPA's Environmental Mitigation & Special Permitting section within 30 days of the date of this permit. 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: [Jeffrey.Boyles@epa.state.oh.us](mailto:Jeffrey.Boyles@epa.state.oh.us)

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  
Environmental Mitigation & Special Permitting  
Attn: Jeff Boyles  
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  
Northeast District Office  
2110 East Aurora Road  
Twinsburg, Ohio 44087  
330-963-1200

**Additional information regarding environmental permitting assistance at Ohio EPA can be found at [http://www.epa.ohio.gov/dir/permit\\_assistance.aspx](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://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](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 a minimum size/weight of concrete in the range of 100-500 lbs per piece or 12 inches to 18 inches in diameter; free of exposed re-bar; and, free of all debris, soil and fines.
7. Cadmium chromium arsenate (CCA) and creosote treated lumber shall not be used in structures that come into contact with waters of the state.

N. Wildlife Protection

In order to protect the Indiana bat during this development, bat habitat trees shall not be cut between April 1 and September 30, unless specifically approved by the U.S. Fish and Wildlife Service.

**PART III MITIGATION**

A. Description of Required Mitigation

No on-site mitigation was proposed.

Off-site mitigation is proposed at two separate locations within the Tuscarawas River watershed. These are the Fox Creek-Miller Tract and the Wolf Creek-City of Norton site. Both stream and wetland mitigation will be performed at the Fox Creek-Miller tract on the Wilderness Center property in Wilmot, Stark County, Ohio (12-digit Hydrologic Unit Code 05040001 11 02). In Ohio's Water Quality Standards, Fox Creek is listed as an Unnamed Tributary to Middle Fork of Sugar Creek at River Mile 3.25. Based on 1998 field sampling data, Fox Creek is designated warmwater habitat, agricultural water supply, industrial water supply and primary contact recreation. Only

stream mitigation will occur at the Wolf Creek-City of Norton site in Norton, Summit County, Ohio (12-digit Hydrologic Unit Code 05040001 01 04). In Ohio's Water Quality Standards, Wolf Creek at River Mile 4.5 (the area of the stream mitigation) is designated modified warmwater habitat, agricultural water supply, industrial water supply and primary contact recreation. These designations are based on field data collected in the area of the mitigation site from multiple years from 1983 to 2004.

**Fox Creek-Miller Tract - Stream Mitigation:** The applicant shall restore and preserve approximately 1,128 linear feet of Fox Creek through minor stream relocation to restore sinuosity and a fully functioning floodplain and the installation of in-stream structures such as J-hooks or weirs to create in-stream habitat features such as pool-riffle complexes and depth and velocity heterogeneity. Additional stream mitigation will include the establishment of approximately 2.0 acres of forested upland buffer and 0.74 acres of streamside, shrub/tree wetland buffer. The forested upland buffer will vary from 25 to 50+ feet in width on the left descending bank with the right descending bank averaging 50 feet in width. However, the 0.74 acres of streamside, shrub/tree wetland buffer will be allocated as part of the required wetland mitigation on this site. See Attachment 2. Invasive species control will also be part of the final mitigation plan.

**Fox Creek-Miller Tract - Wetland Mitigation:** The applicant shall restore/create approximately 6.12 acres of wetland. Of this acreage, 2.6 acres will be allocated to satisfy the mitigation requirements for this project, with 1.86 acres being prairie-meadow wetland and 0.74 being shrub/tree wetland. The remainder of the wetland restoration/creation acreage (3.52 acres) will be held by The Wilderness Center and the applicant for this project will not be responsible for this area meeting the performance criteria outlined in this Section 401 Water Quality Certification. See Attachment 2. Invasive species control will also be part of the final mitigation plan.

**Wolf Creek-City of Norton - Stream Mitigation:** The applicant shall enhance and protect approximately 800 linear feet of Wolf Creek immediately downstream of Wadsworth Road (State Route 261). Enhancement activities shall include the placement of in-stream channel protection (such as J-hooks) to counteract erosion along the western, right descending bank which is threatening Summit Road, and establishment of an approximately one-acre forested riparian buffer along the western, right descending bank through the planting of native trees and shrubs. See Attachment 3. Invasive species control will also be part of the final mitigation plan.

B. Mitigation and Monitoring Plan

Within 60 days of the issuance of the Section 404 permit by the United States Army Corps of Engineers, Huntington District (Corps), the applicant shall submit a final mitigation plan to Ohio EPA, as approved by Ohio EPA and the Corps. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

C. Timing of Mitigation Requirements

1. As mitigation for impacts described in Part I.C of this permit the applicant shall implement the final approved mitigation plan in accordance with the conditions in this permit.
2. Mitigation construction shall be initiated concurrently with the impacts to the water of the state and shall be completed within one year of the initial impacts.

D. Protection in Perpetuity

1. Within 60 days of the date of this Section 401 water quality certification, the applicant shall submit to Ohio EPA drafts of two separate 3-party environmental covenants, one for the Fox Creek-Miller Tract and one for the Wolf Creek-City of Norton site. The environmental covenant for the Fox Creek-Miller Tract shall protect, in perpetuity, the entire 5.54± acre wetland, stream, and buffer area mitigation parcel described above in Part III.A. The environmental covenant for the Wolf Creek-City of Norton site shall protect, in perpetuity, the entire 1.4± acre stream and buffer area mitigation parcel described above in Part III.A.

Upon receipt of Ohio EPA's comments on the draft environmental covenants, the applicant shall incorporate all of the noted revisions. Within 45 days of receipt of Ohio EPA's comments on the draft environmental covenants, the applicant shall submit to Ohio EPA for the Director's signature, revised environmental covenants which have been signed and notarized by both the applicant and the environmental covenant holders. Within 45 days of the Ohio EPA's return to the applicant of the signed and notarized copies of the environmental covenants, the applicant shall have the environmental covenants recorded, and filed with the County. Within 14 days of filing and recording the environmental covenants with the County, the applicant shall provide Ohio EPA with copies of the signed, notarized, recorded, and filed environmental covenants.

2. Signs shall be placed within visual distance along the mitigation area boundaries that indicate that the area is a protected mitigation area and that mowing, dumping, or any other activity that would result in a degradation of the mitigation area is prohibited without prior authorization from Ohio EPA.

E. Agency Site Visit

The applicant shall arrange an on-site mitigation meeting with Ohio EPA during the growing season that follows the submittal of the third annual mitigation monitoring report. The purpose of this inspection is to determine if the mitigation projects have been constructed in accordance with the mitigation and monitoring plan approved by Ohio EPA and the terms and conditions of this permit. The applicant is responsible for undertaking any modifications identified by Ohio EPA.

F. Reporting

1. As Built Report

An as-built report shall be submitted to Ohio EPA within 30 days of completion of mitigation construction activities at both the Fox Creek-Miller Tract mitigation site and the Wolf Creek-City of Norton mitigation site and shall contain current drawings sized 11" by 17" (to scale) of each of the mitigation areas.

2. Annual Mitigation Construction Update Reports

A mitigation construction update report shall be submitted to Ohio EPA by December 31 of each year following the date of this permit and until mitigation construction is complete and a mitigation monitoring report is ready for submittal. Each mitigation construction update report shall contain, at a minimum, the following information:

- a. The status of all of the mitigation required for the project as specified in the application and permit including the filing of the required Environmental Covenants;
- b. Mitigation construction start date, completion date, or expected start and completion date for each of the two separate mitigation areas;
- c. A discussion of the extent to which the mitigation has been completed according to the timelines specified in this permit;

- d. Current contact information for all responsible parties including, but not limited to the company & project names, contact names, mailing addresses, e-mail addresses, and phone numbers (cell, work). For the purposes of this condition, responsible parties include, but may not be limited to the applicant, consultant, and Environmental Covenant holders/owners.

### 3. Annual Mitigation Monitoring Reports

- a. For each mitigation site, a five-year mitigation monitoring period shall commence immediately following completion of mitigation construction, except as provided for in the contingency plan.
- b. For this project, annual mitigation monitoring reports, covering both mitigation areas as separate 'chapters' within the same report, shall be submitted to Ohio EPA by December 31 of the first full year following the end of the first full growing season and completion of mitigation construction. All subsequent mitigation monitoring reports shall be submitted by December 31<sup>st</sup> of each of the monitoring years.
- c. For the wetland mitigation area, annual mitigation monitoring reports shall be prepared in accordance with Section 7 in the "INTEGRATED WETLAND ASSESSMENT PROGRAM. Part 6: Standardized Monitoring Protocols and Performance Standards for Wetland Creation, Enhancement and Restoration, Version 1.0 Ohio EPA Technical Report WET/2004-6", available at [http://www.epa.ohio.gov/portals/35/wetlands/PART6\\_Std\\_Mitigation\\_Protocols.pdf](http://www.epa.ohio.gov/portals/35/wetlands/PART6_Std_Mitigation_Protocols.pdf)
- d. Each annual report shall contain the **current contact information** for the applicant, agent, and environmental covenant holder/owner including, but not limited to, the company name(s), contact names, mailing addresses, e-mail addresses, phone numbers (cell and work), etc.
- e. Each annual report shall clearly identify the specific monitoring year the report is intended to represent. The report shall identify the calendar year the monitoring occurred and the monitoring year (e.g., Year 1, Year 2, etc.) of the report being submitted on the cover letter of the report and

the cover of the report. Reports with monitoring completed during the same year as the completion of mitigation construction will be considered by Ohio EPA an as-built or baseline report but not the first year monitoring report unless previously approved by Ohio EPA, in writing.

- f. Each annual report shall provide a summary of current mitigation status, which compares the previous years' monitoring information with the current report including graphs and tables showing trends, etc.
- g. The first monitoring report shall contain a full copy of the final U.S. Army Corps of Engineers 404 permit for the project.
- h. Each annual monitoring report shall contain a list of species planted in all mitigation areas, including buffers.
- i. The first year report shall include plan views and cross sections of each of the as-built mitigation areas including the location and types of plantings. These drawings shall be updated as needed in subsequent reports to reflect current conditions, corrective or other actions that occurred, changes in dominant vegetation, vegetation types, etc.
- j. At a minimum, the first, third, and fifth year annual reports shall contain current drawings sized 11" by 17" (to scale) of the each of the mitigation areas, including buffers.
- k. At a minimum, the first, third and fifth year annual reports shall include, for each mitigation wetland and associated buffer area, a plan view, at least one cross-section through the short axis, and at least one-cross section through the long axis.
- l. For each mitigation stream, the first, third and fifth year annual mitigation monitoring reports shall include a plan view, a longitudinal section profile along the thalweg of the stream, and a minimum of one cross-section in a riffle area and one cross-section in a pool area. Measurements of each mitigation stream shall be taken to include those measurements necessary to determine sinuosity, meander wavelength, belt width, radius of curvature, and meander arc length for a minimum of two meander bends.

As follows, cross-sectional measurements shall:

- i. Be collected over a minimum distance of 30 bankfull widths, with at least one cross section through a pool area and another through a riffle area;
- ii. Include bankfull width, bankfull maximum depth, flood prone area width, entrenchment ratio, bankfull cross-sectional area, and bank height;
- iii. Encompass two consistent permanent cross sections for each analysis; and,
- iv. Lowest bank height elevations shall be collected where those differ significantly from bankfull stage.

As follows, longitudinal profile measurements shall:

- i. Include those measurements necessary to determine average water surface slope, riffle slope, pool slope, and riffle/pool or step/pool sequences over the entire measured reach; and,
  - ii. Provide elevation data for the thalweg, water surface, and bankfull stage over the entire measured reach.
- m. Each annual report shall include photographs to be collected as follows:
- i. An adequate number of fixed observation points shall be selected, with no fewer than three fixed observation points per distinct mitigation area, to provide representative overviews of each distinct mitigation area. The stakes shall be of UV resistant PVC material and have permanent unique numbers affixed to them. Annual photographs documenting site conditions will be taken at these locations and will include the stake and stake number in the field of view.
  - ii. Photographs shall be taken from these points at the same position and angle during the growing season of each monitoring year with the unique numbers in the field of view. The fixed observation points shall be marked on the base map.

- iii. Additional photographs of areas of interest within each distinct mitigation area shall be marked on the base map and provided in each monitoring report. Areas of interest include, but are not limited to, plant communities, open water areas, areas dominated by invasive species, unvegetated areas, erosional areas, unstable areas, developing shrub/forest areas, in-stream structures, other structures, wildlife usage, easement encroachments, sediment deposition, floodplain development, habitat development, corrective action areas, conservation signage, etc.

#### G. Monitoring Criteria – Restored/Created Wetlands

##### 1. Wetland Delineation

- a. A delineation of the wetland mitigation area(s) shall be performed during the growing season of the third year of monitoring after completion of construction of the mitigation wetlands, and before the third year site visit. The wetland delineation shall be performed in accordance with the United States Army Corps of Engineers 1987 Wetland Delineation Manual and the applicable Regional Supplement to the Corps of Engineers Wetland Delineation Manual and shall include an assessment of soils, hydrology, and plants according to the manual.
- b. For wetlands mitigated adjacent to existing wetlands, such as the Fox Creek-Miller Tract mitigation area, the boundary of the existing wetlands shall be semi-permanently mark prior to the adjacent wetland mitigation construction activities. Enough semi-permanent markers of adequate height and color shall be placed such that the wetland mitigation area can be easily identified and accurately measured.

##### 2. Water Chemistry & Hydrology Monitoring

- a. Water level data shall be collected in May and late August of each monitoring year. Ground water levels shall be measured in the absence of inundated conditions. **Because hydrology levels and duration are so important to wetland function, it is recommended that automatic level recorders be utilized with daily readings of hydrology levels.**

- b. A grab water sample shall be collected in May of each monitoring year in each wetland mitigation area. Samples should be preserved in the field and held at 4 degrees Celsius until analysis for the following parameters:
- pH
  - Ammonia-N
  - Total Kjeldhal N
  - Nitrate-Nitrite-N
  - Total phosphorous
  - Total organic carbon
  - Total suspended solids
  - Total solids
  - Chloride
  - Iron
  - Magnesium
  - Potassium

3. Soil Monitoring

- a. The mitigation wetland soils shall be sampled and assessed according to methods and protocols approved by Ohio EPA ([www.epa.ohio.gov/dsw/wetlands/WetlandEcologySection\\_reports.aspx](http://www.epa.ohio.gov/dsw/wetlands/WetlandEcologySection_reports.aspx)) during the growing season of the first, third and fifth years after completion of construction of the mitigation wetlands.
- b. Using the basic vegetation survey design, five soil samples (~250-500g) shall be collected at each wetland mitigation area using soil probe in a "Y- shaped" pattern in order to obtain a representative sample of the wetland soils. An additional soil sample should be collected from the center of each vegetation plot (for a total of six samples for the basic vegetation survey design).
- c. Soil sample shall be placed into clean plastic bags, labeled with site name and date and packed in ice and prepared in accordance with NCR-13 (NCR 1998) or other equivalent methods and each sample shall be analyzed for the following parameters:
- pH
  - Bray extractable phosphorus

- Exchangeable ions (calcium, magnesium, potassium), and cation exchange capacity using standard agronomic soil testing methods (NCR 1998)
  - Total organic carbon (TOC)
  - Total nitrogen
  - Total solids
- d. For each soil probe or test pit, the soil profile and hydric soil indicators shall be described, and the soil map unit name (soil series and phase) and the taxonomic subgroup identified.

*NOTE: Ohio EPA reserves the right to require additional chemical monitoring of soils and water in any of the wetland mitigation areas at any time during the mitigation monitoring period.*

#### 4. Vegetation Monitoring

- a. The mitigation wetlands shall be assessed to obtain a VIBI score according to methods and protocols approved by Ohio EPA ([http://www.epa.ohio.gov/dsw/wetlands/WetlandEcologySection\\_reports.aspx](http://www.epa.ohio.gov/dsw/wetlands/WetlandEcologySection_reports.aspx) Integrated Wetland Assessment Program. Part 9: Field Manual for the Vegetation Index of Biotic Integrity for Wetlands v. 1.4.) during the growing season of the first, third and fifth years after completion of construction of the mitigation wetlands.
- b. The location and name of each plant community type within the wetland mitigation area shall be marked on a scaled drawing or scaled aerial photograph (base map) and named.
- c. A representative observation point shall be selected in each plant community type in each distinct wetland mitigation area. This shall be a point that best represents the characteristics of the entire plant community. The observation points shall be marked on the base map.
- d. The dominant plant species shall be visually determined in each vegetation layer of each community type, and the scientific names of these species shall be included in the report. Dominant species are those species which have the greatest relative basal area (woody over story), greatest height (woody over story), greatest percentage of aerial

coverage (herbaceous under story), and/or greatest number of stems (woody vines).

#### H. Monitoring Criteria - Streams

##### 1. Substrate Sampling

Wolman pebble counts distributed proportionally over the profile reach in accordance with the percentage distribution of streambed features (60% from pools, 30% from riffles, and 10% from steps). The minimum total number of particles to be collected is 100.

##### 2. Stream Stability Rating

During monitoring years one, three, and five visual observations of the stream mitigation channel and banks, including up and downstream, shall be made. Signs of negative effects from the stream mitigation such as excessive bank erosion, sedimentation, headcutting, aggradation, entrenchment, or degradation shall be noted in the annual report, and corrective actions shall be taken.

##### 3. Hydrology Monitoring

Water level data and estimated flow shall be collected in May and late August of each monitoring year. Ground water levels shall be measured in the absence of inundated conditions.

##### 4. Vegetation Monitoring

- a. The location and name of each plant community type within the mitigation area and buffer area shall be marked on a scaled drawing or scaled aerial photograph (base map) and named.
- b. The dominant plant species shall be visually determined in each vegetation layer of each community type, and the scientific names of these species shall be included in the report. Dominant species are those species which have the greatest relative basal area (woody over story), greatest height (woody over story), greatest percentage of aerial coverage (herbaceous understory), and /or greatest number of stems (woody vines).

- c. For forested riparian buffers, standard forest community measures shall be recorded and it must be demonstrated that the mitigation area is on a trajectory to being forested by the end of the five year monitoring period. Frequency, density, and dominance, as well as importance values, shall be graphed against time to demonstrate if riparian buffer areas are on a trajectory to being forested.

5. Qualitative Habitat Evaluation Index (QHEI)

QHEI assessments, using the most current version of that document available at the time the assessment is performed, shall be completed during years one, three and five.

I. Performance Goals – Restored/Created Wetlands

1. Within five years after completion of construction of the mitigation, the applicant shall have developed a minimum of 2.6 acres of Category 2 and/or 3 non-forested wetlands.
2. By the end of the five year monitoring period, the mitigation wetland shall attain, at a minimum, a Vegetation IBI score equivalent to a mid-Category 2 (WLH) wetland of that vegetation type and HGM class in that ecoregion (Addendum to Part 4 and 7, Table 8) or higher. The Fox Creek-Miller Tract wetland mitigation site is within the Erie/Ontario Lake Plain (EOLP) ecoregion, has an Hydrogeomorphic (HGM) class of riverine, an HGM subclass of headwater or mainstem, and a plant community of wet meadow. Therefore, the minimum Vegetation IBI score to satisfy this performance goal is 60.
3. The mitigation wetland shall have less than five percent areal cover of invasive and/or non-native species.
4. The mitigation wetland shall contain at least 75 percent areal cover of native perennial hydrophytes.

J. Performance Goals - Fox Creek-Miller Tract Stream Mitigation Area

Within five years after completion of construction, the mitigation stream shall meet the following performance criteria:

1. For the Fox Creek-Miller Tract stream mitigation area, develop a minimum of 1,128 linear feet of warmwater habitat stream;
2. Develop a minimum QHEI score of 57;
3. Develop approximately 2.0 acres of native forested upland buffer as measured from the top of the bank and approximately 0.74 of wetland buffer;
4. Develop 80 percent native Ohio woody cover in the riparian zone with no more than five percent areal coverage of invasive species; and,
5. The stream mitigation channel and banks including up and downstream shall be stable and show no signs of excessive bank erosion, sedimentation, headcutting, aggradation, entrenchment, or degradation.

K. Performance Goals - Wolf Creek-City of Norton Site Stream Mitigation Area

Within five years after completion of construction, the mitigation stream shall meet the following performance criteria:

1. For the Wolf Creek-City of Norton site stream mitigation area, develop a minimum of 800 linear feet of warmwater habitat stream;
2. Develop a minimum QHEI score of 63;
3. Develop approximately 1.0 acres of native forested upland buffer as measured from the top of the bank;
4. Develop 80 percent native Ohio woody cover in the riparian zone with no more than five percent areal coverage of invasive species; and,
5. The stream mitigation channel and banks including up and downstream shall be stable and show no signs of excessive bank erosion, sedimentation, headcutting, aggradation, entrenchment, or degradation.

L. Contingency Plan

If the mitigation areas are not performing as proposed by the end of the fifth year of post-construction monitoring, the monitoring period may be extended and/or the applicant may be required to revise the existing mitigation or seek out new or additional mitigation areas.

Ohio EPA may reduce or increase the number of years for which monitoring is required to be conducted based on the effectiveness of the mitigation.

**IV. NOTIFICATIONS TO OHIO EPA**

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

Applicant Name:	LRC Copley Investors, LLC
Project Name:	Rothrock Road Development
Ohio EPA ID No.:	103675

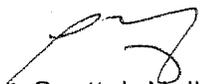
and shall be sent to:

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  
309 South Fourth Street, Room 222  
Columbus, OH 43215

Sincerely,



Scott J. Nally  
Director

cc: Lee Pittman, Department of the Army, Huntington District, Corps of Engineers  
Kevin Pierard, U.S. EPA, Region 5  
Mary Knapp, U.S. Fish & Wildlife Service  
Brian Mitch, ODNR, Division of Real Estate & Land Management  
Dave Snyder, Ohio Historical Preservation Office  
Dan Osterfeld, Ohio EPA, DSW, Section 401/IWP  
Jeff Boyles, Ohio EPA, DSW, Environmental Mitigation and Special Permitting  
Jeff DeShon, Ohio EPA, DSW, EAS  
Bill Zawiski, NEDO  
Sean Pepper, Atwell, LLC, 30575 Bainbridge Road, Suite 180, Solon, OH 44139

Attachments: Attachment 1 - Project Site Map  
Attachment 2 - Fox Creek-Miller Tract Mitigation Map

Attachment 3 - Wolf Creek-City of Norton Mitigation Map  
Attachment 4 - Response To Comments

Ohio EPA would appreciate your feedback on the permitting process that you have just completed. Please visit the web address listed below and take a short survey to offer input into the Agency's efforts to provide efficient and effective service.

<http://www.surveymonkey.com/s/wqc-iwpfeedbackform>

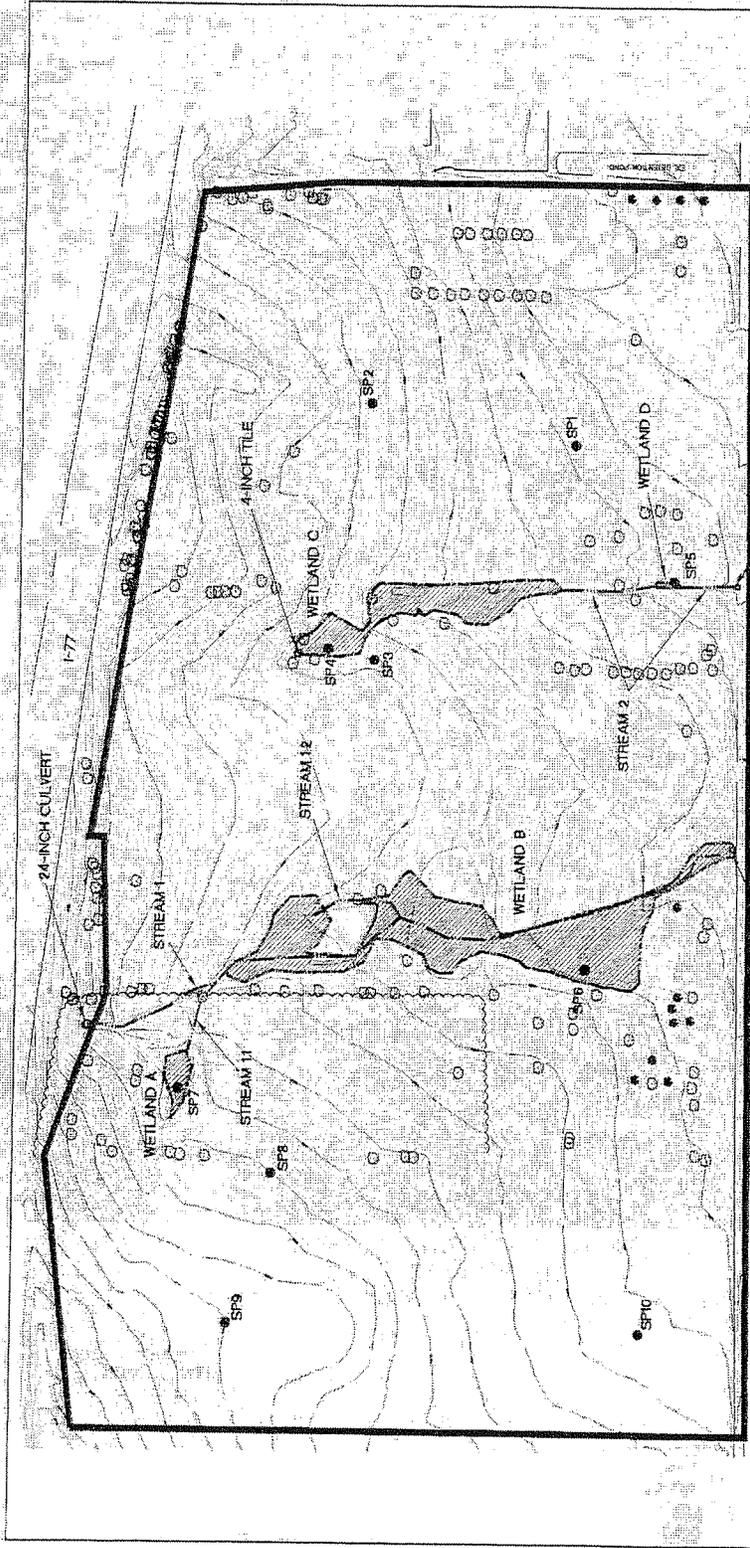


FIGURE 3: WETLAND AND STREAM LOCATION MAP  
 ROTHROCK ROAD  
 GOPLEY TOWNSHIP, SUMMIT COUNTY, OHIO

LEGEND  
 PROPERTY BOUNDARY  
 WETLAND  
 STREAM  
 SAMPLE POINT

WETLAND	AREA	JURISDICTIONAL STATUS	TYPE
A	0.533	PERMANENT	PERMANENT
B	0.149	ACOF	PERMANENT
C	0.377	ACOF	PERMANENT
D	0.005	ACOF	PERMANENT
TOTAL	1.064		

STREAM	LENGTH FEET	TYPE
1	1,023	PERMANENT
11	15	PERMANENT
12	15	PERMANENT
TOTAL	1,053	

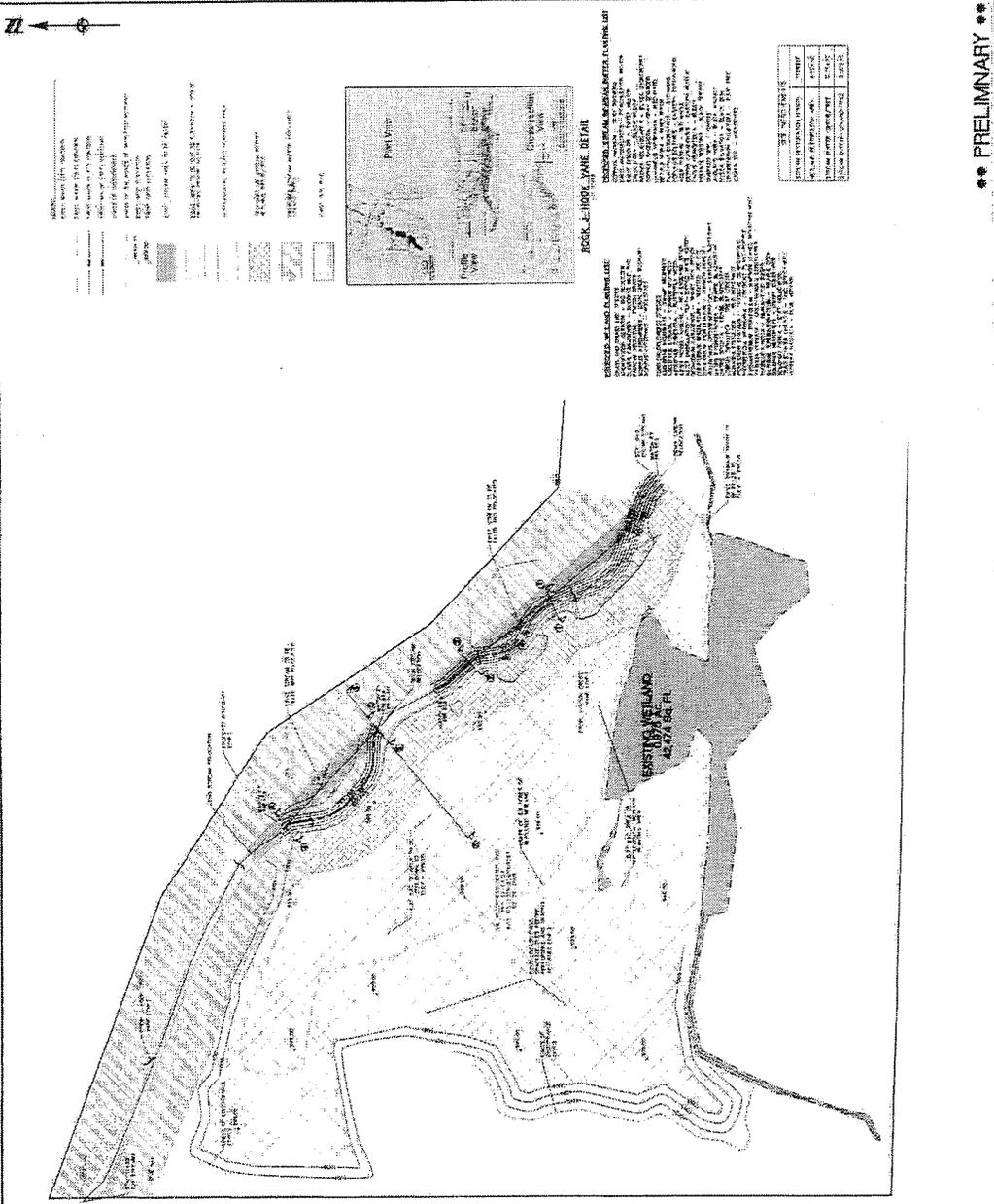


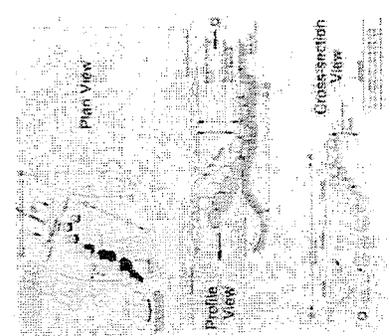
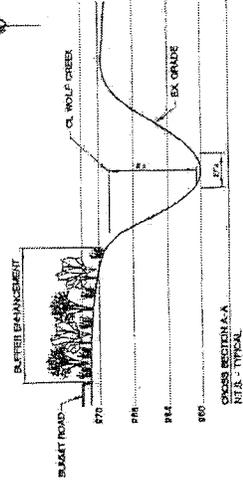
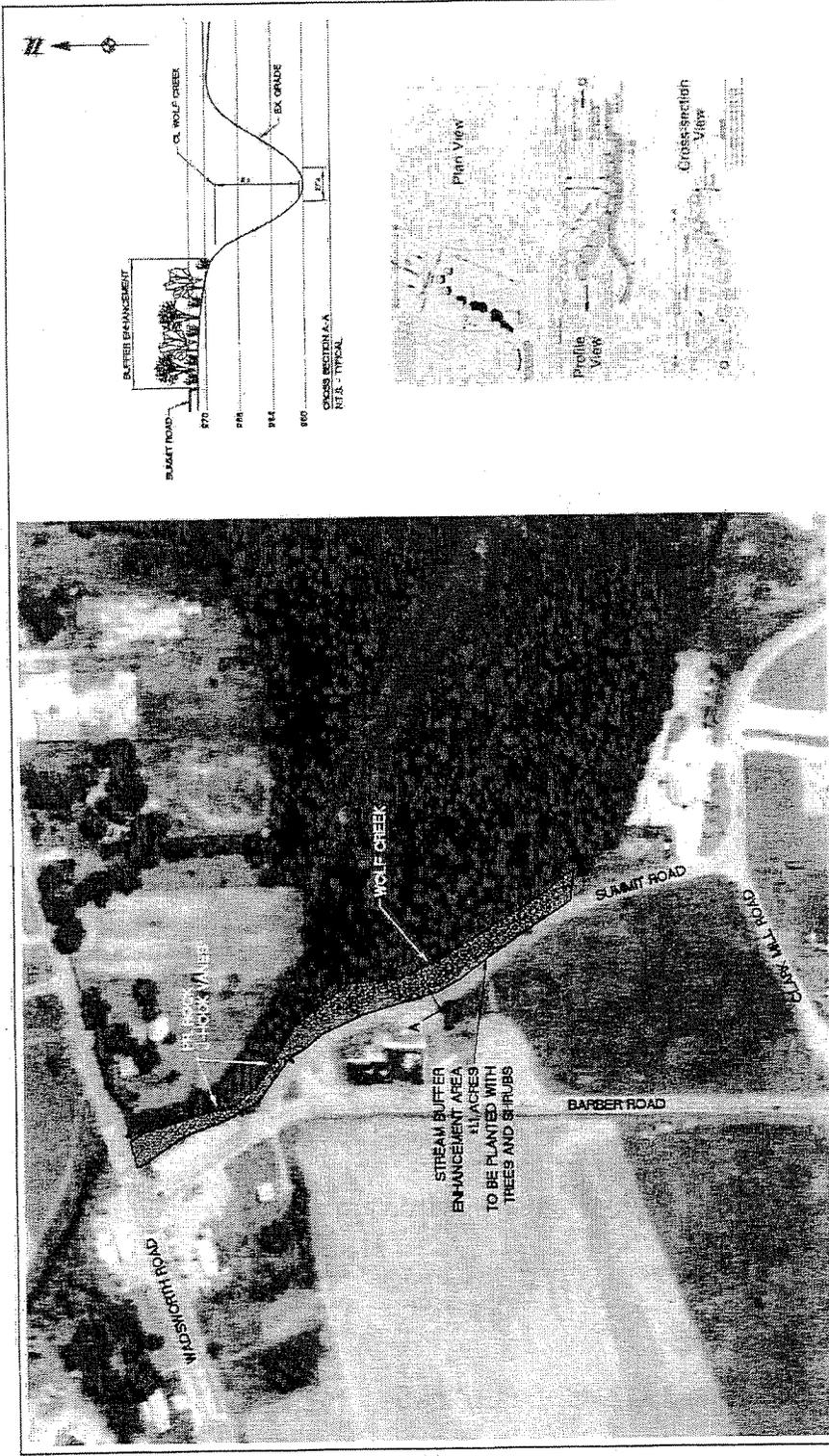
SCALE 1" = 150 FEET

PROJECT NO.: 07001494  
 DATE: JULY 12, 2010  
 DRAWING NO.: 07001494-05

**ATWELL**  
 866.850.4200 | www.atwellgroup.com  
 OFFICES IN NORTH AMERICA AND ASIA

NOTE: THE WETLAND BOUNDARIES AND JURISDICTIONAL STATUS ARE NOT OFFICIAL UNTIL REVIEWED AND APPROVED BY THE US ARMY CORPS OF ENGINEERS.





CREATED BY: A.A.  
 DATE: 1/13/11  
 CHECKED BY: TYPICAL

**ATWELL**  
 2010 W. MAIN ST. SUITE 100  
 COLUMBUS, OHIO 43260  
 TEL: 614.291.2000  
 FAX: 614.291.2001

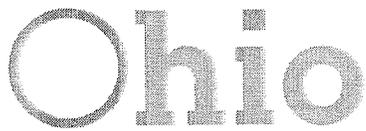


PROJECT: D701484  
 DATE: JANUARY 5, 2011  
 DRAWN: BWT  
 CHECKED: SP  
 CAD FILE: 0701484-05

CONCEPTUAL ENHANCEMENT PLAN  
 CITY OF NORTON  
 SUMMIT COUNTY, OHIO  
 RECREATION  
 2810 W. MAIN ST. SUITE 100  
 COLUMBUS, OHIO 43260



LEGEND:  
 ——— BUFFER ENHANCEMENT AREA  
 ——— OPEN WATER OR STREAM



# Environmental Protection Agency

## Division of Surface Water

### Response to Comments

**Project: Rothrock Road Development; Section 401 Water Quality  
Certification; Ohio EPA ID #: 103675**

#### Agency Contacts for this Project

Division Contact:

Dan Osterfeld  
Division of Surface Water, 401 Unit  
(614) 644-2152  
dan.osterfeld@epa.ohio.gov

Public Involvement Contact:

Kristopher Weiss  
Public Interest Center  
(614) 644-2160  
kristopher.weiss@epa.ohio.gov

Ohio EPA held a public hearing Dec. 2, 2010, regarding a Section 401 Water Quality Certification application for the proposed Rothrock Road development project. This document summarizes the comments and questions received at that public hearing and/or during the associated public comment period, which ended Dec. 17, 2010.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

#### Comments regarding antidegradation and application review

**Comment 1:** A comment was received that questioned much of the information submitted as part of the applicant's three alternatives as described in the Section 401 application. The comment also questioned why Ohio EPA did not

**consider an "Adjusted Single Box Plan" which they believe was, at some point, submitted to Ohio EPA by the applicant.**

**Response 1:**

Ohio EPA's antidegradation rules require the submittal of three alternatives, referred to as the preferred alternative, the minimal degradation alternative and the non-degradation alternative. At no point did Ohio EPA receive from the applicant a plan titled "Adjusted Single Box Plan." All of the submittals received by Ohio EPA from the applicant indicate a desire by the applicant to build two retail box stores plus a fueling station. Therefore, the focus of Ohio EPA's review was on these three plans. Ohio EPA is aware that a few years ago the U.S. Army Corps of Engineers did receive an application that was quickly withdrawn. At that time, Ohio EPA did not receive an application.

When conducting an antidegradation review of an applicant's submitted alternatives, Ohio EPA must first consider the existing quality of the aquatic resources proposed to be impacted. For this Rothrock Road project all four stream channels found on the project site are undesignated (i.e., are not assigned an aquatic life habitat use). However, based on sampling conducted by the applicant, and confirmed by Ohio EPA, three stream channels are considered Class 1 headwater streams and one stream channel (Stream 1) is considered a Class 2 headwater stream. Class 1 streams are mostly ephemeral channels that flow only after a rain event and have limited range of biological organisms found in them. Class 2 streams can flow intermittently or perennially and typically have a more diverse biologic assemblage than a Class 1 stream.

There are also four wetlands on the project site. Three of the four wetlands are considered Category 1 (low-quality) wetlands. The other wetland (Wetland C) scored within the gray zone between a Category 1 and a Category 2 (moderate-quality) wetland.

After completing an assessment of the quality of the aquatic resources on the project site, Ohio EPA next assesses avoidance and minimization of impacts to waters of the state, then, depending on the quality of the aquatic resources, social and economic justification for the project,

stormwater and water quality controls, public comments, and finally, compensatory mitigation.

A decision on this application is based on a collective assessment of all review parameters and the presence of an existing Wal-Mart and Sam's Club so close to the project site does not raise the status of the review to the level of denial of the project.

The Ohio Administrative Code states that the Director shall not issue a Section 401 water quality certification unless he determines that the discharge of dredged or fill material to waters of the state will not prevent or interfere with the attainment or maintenance of applicable water quality standards, will not result in a violation of any applicable provisions of the Clean Water Act and will not result in any adverse long or short-term impacts on water quality. The Director has determined this to be the case for this project.

**Comment 2:**           **Citizens were concerned about the destruction of all the wetlands and the streams on the project site.**

**Response 2:**       As mentioned above, when conducting an antidegradation review, Ohio EPA considers many factors such as the quality of the aquatic resources to be impacted, the nature and extent of the impacts, the proposed alternatives, social and economic rationale for the lowering of water quality and public comments. While impacts that would result in a violation of Ohio EPA's water quality standards may not be authorized, a lowering water quality may be granted based on the results of the antidegradation review process.

Ohio EPA evaluated the applicant's three alternatives. The wetlands and the streams on the project site are relatively low-quality resources with limited functionality. Ohio EPA concurs with the applicant's reasoning that any avoided wetlands and streams under the minimal degradation alternative or the non-degradation alternative would either not survive post-construction or would lose their functionality due to the grading necessary to avoid them.

Ohio EPA concluded, in this case, that issuing a water quality certification for the preferred alternative will not violate water quality standards and represents a permissible lowering of water quality.

**Comment 3:**           **A citizen was concerned that the functions of headwater streams would be eliminated by this development.**

**Response 3:**       Ohio EPA recognizes there will be some loss of the functionality that headwater streams impart to the area. However, the streams are of relatively low quality with limited functions and values. In Ohio EPA's opinion, the combination of the on-site stormwater management system (incorporating water quality features) and the off-site mitigation compensates for the lost functions of the site's aquatic resources due to the project's construction. As mentioned above, Ohio EPA may allow a lowering of water quality based on the results of an antidegradation review.

**Comment 4:**           **Citizens expressed concern over the ratios for the wetland and stream mitigation believing they didn't meet state standards. Additionally, the citizens questioned why the mitigation was allowed to be so far away.**

**Response 4:**       Ohio EPA's wetland water quality standards contain specific ratios that all wetland mitigation must meet. The ratio is determined by the quality of the wetlands being impacted (category), type of wetlands being impacted (forested or non-forested) and the location of the proposed mitigation site (on-site or off-site). The wetland water quality standards also specify that the location of the wetland mitigation must be within the project's watershed if moderate- to high-quality wetlands are proposed to be impacted, or within the U.S. Army Corps of Engineers District if low-quality wetlands are proposed to be impacted.

Ohio EPA's water quality standards do not specify specific ratios that must be met for stream mitigation. In evaluating a stream mitigation proposal, Ohio EPA considers many factors relative to both the stream resources that are proposed for impact and the stream resources proposed for mitigation. These factors may include:

- watershed drainage size (is it a small headwater stream or is the drainage larger?)
- use designation (is it undesignated or does it have a designated aquatic life use?)
- flow regime (is it ephemeral, intermittent or perennial?)

- buffer characteristics (does the mitigation channel have no buffers or are the buffers wide and forested?)
- mitigation type (is the mitigation simply preservation, or does it have enhancement and/or restoration components?).

Additionally, the water quality standards do not address the location of stream mitigation. However, Ohio EPA strongly encourages applicants to conduct stream mitigation within the project's watershed.

Under the preferred alternative for the Rothrock Road development project, 1.59 acres of wetlands and 1,498 linear feet of stream channels are proposed to be impacted. The mitigation plan for the Rothrock Road development project proposes the creation of 2.6 acres of wetlands and the restoration and/or enhancement of approximately 1,928 linear feet of stream channels. All of the wetland mitigation and a majority of the stream mitigation will be completed at the Wilderness Center's Fox Creek-Miller Tract site just north of Wilmot, in southwestern Stark County. This mitigation site is approximately 32 miles from the project site. The remainder of the stream mitigation will be completed at a City of Norton site along Wolf Creek, which is approximately 5.5 miles from the project site. The Rothrock Road development site and the locations of both mitigation sites are within the same watershed, the Tuscarawas River watershed. A watershed is defined to be an area in which all the water within it drains to a common watercourse. Ohio EPA's water quality standards consider a watershed to be the 8-digit hydrologic unit established by the U.S. Geological Survey (See Attached Map - the Tuscarawas River watershed 8-digit hydrologic unit code is 05040001).

Ohio EPA has approved the proposed mitigation for the Rothrock Road development because it satisfies both the wetland and stream mitigation requirements as outlined in Ohio EPA's water quality standards.

#### **Comments regarding land use planning and overall public interest factors**

**Comment 5:** One citizen commented that this project fails to fit into an overall regional plan that would benefit community stakeholders, including school districts, adjacent residential areas, senior centers and small businesses.

- Response 5:** Ohio EPA, Division of Surface Water, through the 401 water quality certification process, does not have the statutory authority to stipulate where a business can or cannot be located. As mentioned above, during the antidegradation review process Ohio EPA may consider only those issues that affect water quality. These are outlined in state statutes and rules. These state statutes and rules are not intended to replace more localized regional planning and zoning. Specifically, Ohio EPA evaluated and approved the water quality impacts associated with the footprint of the Rothrock Road development, not the actual development. Land use is a local issue that is better addressed through local zoning boards and planning commissions.
- Comment 6:** **Comments received expressed concern and confusion as to why Ohio EPA would allow Wal-Mart and Sam's Club to move from their existing location when they feel that the existing location is more accessible, more suitable, and that there is room to expand.**
- Response 6:** See responses to Comments 1 and 5.
- Comment 7:** **Many citizens expressed concern over the displacement of existing, established businesses and that the existing Wal-Mart and Sam's Club buildings would remain vacant. Additionally, they felt that this development represents a major threat to the health and well-being of all residents, workers and employers and the overall economy.**
- Response 7:** See the response to Comment 5.
- Comment 8:** **Citizens expressed concern for the safety of children getting on and off school buses due to the increase in traffic.**
- Response 8:** See the response to Comment 5.
- Comment 9:** **A citizen expressed concerns over increased traffic, noise, light pollution, crime and a decrease in air quality.**
- Response 9:** See the response to Comment 5.

**Comment 10:** Commenters expressed concern about possible reduction in property values of their land/homes and the loss of quality of life.

**Response 10:** Impacts on the property values of a person's land or home are not within the review authority for a 401 water quality certification. Please see the response to Comment 5.

#### Comments regarding stormwater

**Comment 11:** A citizen expressed concerns over the amount of impervious surfaces that would result from this development, increasing runoff which could carry pollutants, especially from the fueling station.

**Response 11:** Ohio EPA recognizes that there is a large increase in impervious surface as a result of this development. The applicant will be required to install a post-construction stormwater management system that would not increase peak post-construction run-off above pre-construction levels. The details of this system will be outlined in a site-specific Stormwater Pollution Prevention Plan (SWPPP) that will be prepared in accordance with the standards and guidance set forth in the *Ohio Rainwater and Land Development Handbook*. This plan will be reviewed by both the Summit County Soil and Water Conservation District and the Summit County Engineer's Office. The Summit County Engineer's Office has already commented on a Storm Drainage and Analysis Report which proposes the engineering calculations and analysis to be used in the SWPPP. Questions regarding this aspect should be directed to the Summit County Engineer's Office at (330) 643-2850 or the Summit County Soil and Water Conservation District at (330) 929-2871.

**Comment 12:** Commenters expressed concerns regarding stormwater runoff, the potential for flooding, and therefore, an increase in their homeowner's insurance rates.

**Response 12:** In order to control and manage stormwater runoff at the project site, the applicant has proposed the installation of a number of stormwater detention basins that are designed to ensure the site's peak post-construction runoff is no greater than the site's peak pre-construction runoff. In addition, the stormwater detention basins are being designed to

incorporate some water quality features to treat stormwater runoff before being discharged from the site. As mentioned above, questions regarding these issues should be directed to the Summit County Engineer's Office at (330) 643-2850 or the Summit County Soil and Water Conservation District at (330) 929-2871.

### **Miscellaneous comments**

**Comment 13:** Commenters expressed concerns regarding the possible destruction/displacement of wildlife and/or the displacement of wild animals from the project site.

**Response 13:** The types of common wildlife issues raised in this comment are not within the review authority of a 401 water quality certification issued by Ohio EPA. Applicants for a Section 401 water quality certification are required to coordinate with the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Service (USFWS) regarding possible impacts to threatened and endangered species. Therefore, their comments are focused on potential impacts to those species and only rarely do their comments specifically mention the more common wildlife species. For the Rothrock Road development project, ODNR stated they had no records of state threatened or endangered species in the project area and USFWS stated that the project would not adversely affect any federally threatened or endangered species, specifically mentioning the Indiana bat and the northern monkshood. Questions or concerns should be referred to ODNR at (614) 265-6565 or USFWS at (614) 416-8993.

**Comment 14:** A citizen stated that there are many water wells in the area that depend upon the groundwater recharge that wetlands and controlled flooding offer. This natural system could be compromised by the development changing the surface to mostly impervious surfaces.

**Response 14:** Ohio EPA recognizes the concern and acknowledges that there may be some loss of groundwater recharge from development of this project. However, Ohio EPA must focus its review on surface water quality issues and this groundwater recharge issue by itself does not warrant denial of the project.

Additionally, Ohio EPA does not regulate private drinking water wells, only public water supplies. The Summit County Health District would regulate private water systems in this area. They can be contacted at (330) 923-4891.

As mentioned above, questions regarding stormwater runoff and flooding should be directed to the Summit County Engineer's Office at (330) 643-2850 or the Summit County Soil and Water Conservation District at (330) 929-2871.

**Comment 15:** **A citizen questioned why Ohio EPA would allow the development to occur when the water and sewer sources that would be needed to accommodate the site are located in the Lake Erie watershed and the project location is in the Ohio River drainage.**

**Response 15:** ODNR is the state agency that enforces the Great Lakes Compact regarding water withdrawals from the Lake Erie watershed. Ohio EPA did discuss this issue with the Summit County Department of Environmental Services and while the physical locations of both the existing and proposed Wal-Mart and Sam's Club are located within the Ohio River drainage basin, the source of water and the discharge from the wastewater treatment plants that service these locations are all within the Lake Erie drainage basin. Therefore, there is no water transfer from the Lake Erie drainage basin to the Ohio River drainage basin. Therefore, this appears to be a non-issue.

**Comment 16:** **A citizen's strong opinion was that the public meeting should have covered a broader spectrum of issues instead of just water quality.**

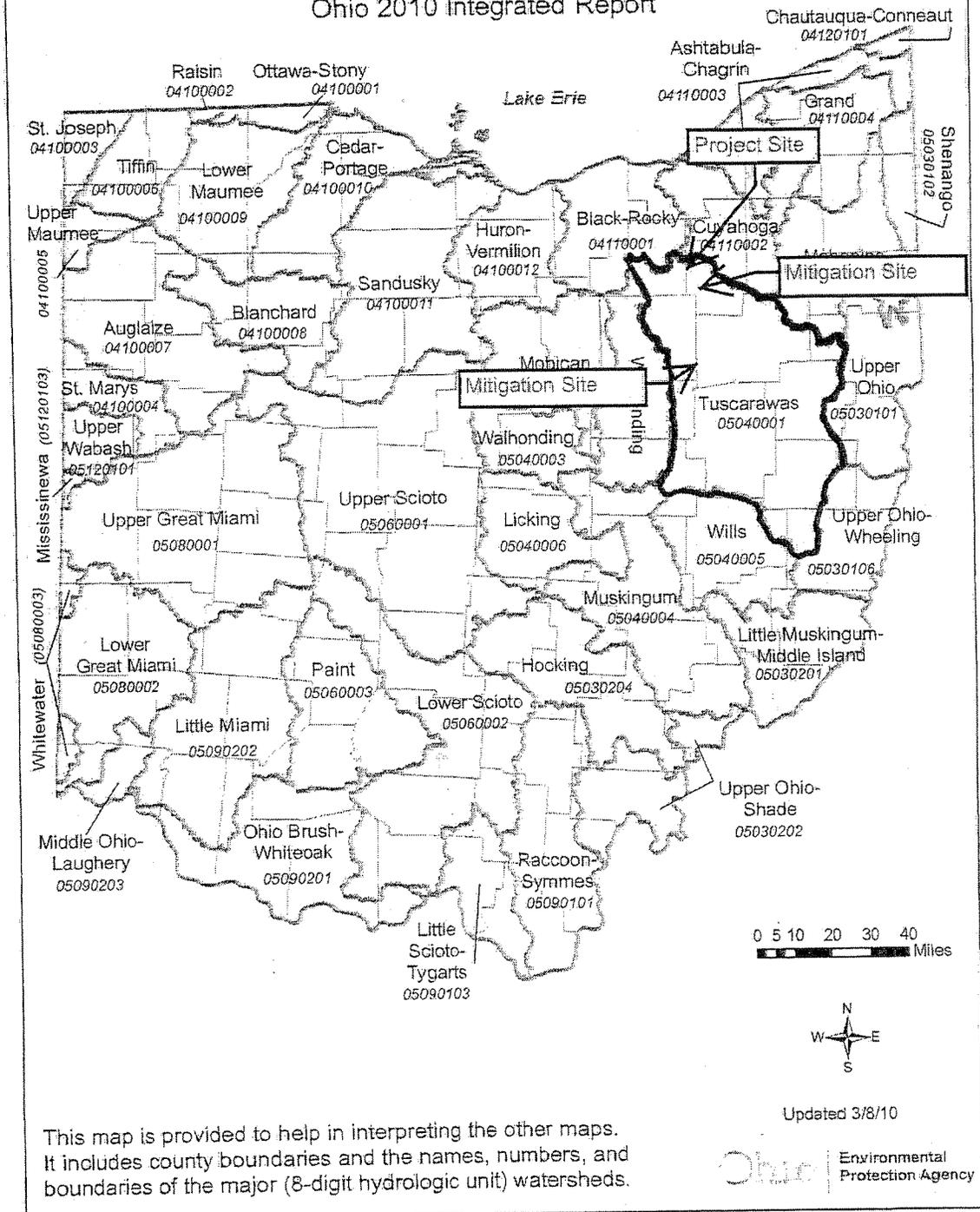
**Response 16:** Ohio EPA recognizes the desires of the local citizens to publically voice their many concerns about various aspects of this project. However, the Ohio EPA public hearing is not the proper forum for this. For a Section 401 water quality certification, Ohio EPA has authority to review proposed impacts to water quality and focuses its review to those issues. The U.S. Army Corps of Engineers does accept comments on a wider range of topics under their 404(b)(1) guidelines' "public interest factors." The Huntington District of the U.S. Army Corps of Engineers reviews projects requesting Section 404 permits. The general phone number for the regulatory section is (304) 399-5210.

Ultimately, the best forum for airing most of the concerns regarding this project would appear to be at the local governmental levels, such as zoning boards, planning commissions and/or County Engineer's office. These local governmental entities are best suited for addressing concerns related to traffic, noise, crime, lighting, safety, etc. These local governmental entities typically have staff that are more intimately involved with the review of the finer details of a project's engineering and design and how it may fit into a larger regional plan.

**End of Response to Comments**

# Ohio 8-Digit Hydrologic Units

Ohio 2010 Integrated Report



This map is provided to help in interpreting the other maps. It includes county boundaries and the names, numbers, and boundaries of the major (8-digit hydrologic unit) watersheds.

Ohio Environmental Protection Agency