



Mike DeWine, Governor  
Jon Husted, Lt. Governor  
Laurie A. Stevenson, Director

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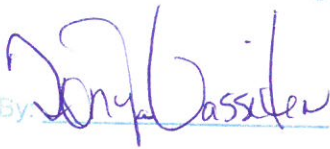
**Certified Mail**

**Re: HomeGoods Distribution Center - Lordstown  
Permit - Intermediate  
Approval  
401 Wetlands  
Trumbull  
DSW401185894**

March 19, 2019

Mark Walker  
TJX Companies, Inc.  
770 Cochituate Road  
Framingham, MA 01701

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:  Date: 3/19/19

**Subject: HomeGoods Distribution Center - Lordstown  
Trumbull County / Lordstown Village  
Grant of a Section 401 Water Quality Certification  
Corps Public Notice No. 18-36  
Ohio EPA ID No. 185894**

Dear Stakeholders:

I hereby authorize the above referenced project under 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. This authorization is specifically limited to a Section 401 Water Quality Certification (here after referred to as "certification") with respect to water pollution and does not relieve the certification holder of further certifications or permits as may be necessary under the law. I have determined that a lowering of water quality in the Duck Creek (HUC 050301030601) as authorized by this certification is approvable. I have made this determination based upon the consideration of all public comments, if submitted, and 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, Village of Lordstown – Duck Creek (HUC 05030103-06-01), has an area of 33.24 square miles. Duck Creek is a warmwater habitat (WWH) stream and considered a primary contact recreation water, with an agriculture and industrial water supply. Other Ohio EPA Aquatic Life Use Designations located in this watershed, as found in OAC rule 3745-1-21.

### **B. Project Description**

To construct an estimated 1.2 million square foot distribution center building, associated parking lots, storm water detention pond, and access driveways.

### **C. Impacts to Waters of the State**

#### **1. Streams**

Most of the streams within the project/site boundary will be filled to construct the facility, parking lots and driving access areas. A culvert pipe will be extended as part of a road widening project. See attached Stream and Pond impact map.

<b>Stream ID</b>	<b>Existing Use</b>	<b>Type* E, I, or P</b>	<b>HHEI Score*</b>	<b>Impact Type</b>	<b>Total Length on Site (LF)</b>	<b>Total Length Impacted (LF)</b>	<b>Percent Avoided</b>
2	WWH	P	60	Culvert	6068	8	99
3	LWH	I	43	Fill	3092	2848	8
4	LWH	E	26	Fill	626	548	12
5	LWH	I	41	Fill	540	540	0
6	LWH	I	36	Fill	1250	1067	15
7	LWH	E	26	Fill	1137	813	28
11	LWH	E	16	Fill	760	689	9
12	LWH	E	17	Fill	212	34	84
<b>Totals</b>					<b>13685</b>	<b>6547</b>	<b>52</b>

\* As provided by applicant

#### **2. Wetlands**

The wetlands within the project/site boundary will be filled to construct the facility, parking lots, and driving access areas. See attached Wetland Impacts map.

Wetland ID	Isolated or Non-isolated	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
I	Non-Isolated	Non-Forested	1	0.41	0.41	0
J	Non-Isolated	Non-Forested	2	0.34	0.10	70
P	Non-Isolated	Forested	2	0.01	0.01	0
Q	Non-Isolated	Forested	2	0.04	0.04	0
Totals				.80	0.56	30

### 3. Pond

A portion of Pond 1 will be filled as part of grading. See attached Stream and Pond impact map.

Pond ID	Impact Type	Isolated or Non-Isolated	Total Pond Size	Fill Material Amount (CY)	Percent Avoided
1	Fill	Non-Isolated	0.38	0.03	92

## PART II TERMS & CONDITIONS

- A. This certification shall remain valid and in effect as long as the 404 Permit issued by the U.S. Army Corps of Engineers for this project is in effect.
- B. Terms and conditions outlined in this section apply to project and mitigation construction as described in this certification.
- C. The Certification Holder shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this certification, upon the start and completion of site development and mitigation construction.
- D. A copy of this certification shall remain on-site for the duration of the project and mitigation construction activities.
- E. In the event of an inadvertent spill, the Certification Holder must immediately call the Ohio EPA Spill Hotline at 1-800-282-9378, as well as the Ohio EPA Section 401 Manager (614-644-2001).
- 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 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 pesticide applicator license from the Ohio Department of Agriculture.

- H. 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 certification.
- I. In the event that there is a conflict between the certification application, including the mitigation plan, and the conditions within this certification, the condition shall prevail unless Ohio EPA agrees, in writing, that the certification application or other provision prevails.
- J. The Certification Holder shall provide electronic maps of the development area and the mitigation area to Ohio EPA 401 Section within 30 days of the date of this certification. 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](mailto:EPA.401Webmail@epa.ohio.gov)

If the files are too large to send by e-mail (over 25 MB), a disk containing the electronic files shall be mailed to the following address:

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

- K. 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)**



L. 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 and removed after completion of construction.
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://epa.ohio.gov/Portals/35/storm/technical\\_assistance/RLD\\_11-6-14All.pdf](http://epa.ohio.gov/Portals/35/storm/technical_assistance/RLD_11-6-14All.pdf)

A copy of the NPDES construction general permit is available on the  
"Construction Activities" tab at:  
[http://www.epa.ohio.gov/dsw/storm/construction\\_index.aspx](http://www.epa.ohio.gov/dsw/storm/construction_index.aspx)

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Grass filter strips shall be established adjacent to all avoided/relocated and un-culverted waters of the state, including wetlands and existing buffer areas, where not restricted by site topography. Filter strips shall be vegetated with non-invasive species native to Ohio and shall be designed and implemented in accordance with the most current edition of the Rainwater and Land Development Manual.
5. Fill material shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
6. 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.
7. 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.
8. Chemically treated lumber which may include, but is not limited to, chromated copper arsenate and creosote treated lumber shall not be used in structures that come into contact with waters of the state.

9. Trees removed from temporary impact areas to facilitate construction shall be replaced with appropriate tree species native to Ohio.
10. All temporary fill material must be removed to an area that has no waters of the state at the completion of construction activities and the stream bottom restored to pre-construction elevations to the maximum extent practicable.
11. Culverts
  - a. New stream culverts shall be installed and designed at the streambed slope to allow for the natural movement of aquatic organisms and bedload to form a stable bed inside the culvert.
  - b. The new culvert base or invert with the substrate shall be installed below the sediment to allow natural channel bottom to develop and to be retained.
  - c. The channel bottom substrate shall be similar to and contiguous with the immediate upstream and downstream reaches of the stream. The new culvert shall be designed and sized to accommodate bankfull discharge and match the existing depth of flow to facilitate the passage of aquatic organisms.
  - d. Where culverts are installed for temporary crossings, the bottom elevations of the stream shall be restored as nearly as possible to pre-project conditions.

#### M. Wildlife Protection

If native mussels and/or mussel beds, not previously identified, are encountered at any time during construction or dredging activities, work must cease immediately and the Ohio Department of Natural Resources' Division of Wildlife must be contacted for further evaluation.

### **PART III MITIGATION**

#### A. Description of Required Mitigation

##### Streams and Pond:

Mitigation for the proposed stream and pond impacts consists of restoring/enhancing 775 linear feet of Stream 1 and 1082 linear feet of Stream 2 on-site. A total of 4690 In-Lieu credits will be purchased from the Stream and Wetlands Foundation. The remaining avoided on-site streams and buffer areas within the preservation area will be preserved in perpetuity via a conservation easement.

**Wetlands:**

Mitigation for the proposed wetland impacts consists of purchasing 0.60 acres of In-Lieu fee credits from the Stream and Wetlands Foundation and the preservation of 4.65 acres of high Category 2 wetlands within the preserved area. All avoided on-site wetlands and buffer areas within the preservation area will be preserved in perpetuity via a conservation easement.

**Preservation:**

An approximate 133 acres will be preserved in perpetuity via a conservation easement. This preservation will incorporate all avoided wetlands and streams within the preservation area as mentioned above, and areas demonstrated on the attached mitigation overview map.

**B. Mitigation and Monitoring Plan**

As mitigation for impacts described in Part I.C of this certification the certification holder shall implement the mitigation plan dated March 6, 2019, and in accordance with the conditions in this certification.

**C. Timing of Mitigation Requirements**

1. Mitigation construction shall be initiated concurrently with the stream, wetland, and pond impacts and shall be completed within one year of the initial impacts, where practicable depending upon growing seasons.
2. Within 30 days of the date of certification, a copy of the fully executed in-lieu fee program agreement with The Stream and Wetland Foundation shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met.**

**D. Long Term Protection**

1. For the above described stream mitigation area and avoidance areas, the certification holder shall submit to Ohio EPA an acceptable, notarized, recorded, and filed conservation easement. The conservation easement shall include, as attachments, a metes and bounds (survey) description of the protected area matching the attached mitigation overview map, a survey map matching the attached mitigation overview map, and an aerial photograph showing the boundaries of the protected area and all mitigation areas inside the protected area matching the attached mitigation overview map, and shall protect the restored/enhanced Stream 1, Stream 2, and all avoided areas within the preservation area.

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

#### E. Agency Site Visits

The certification holder shall arrange on-site mitigation meetings with Ohio EPA during the growing season that follows the submittal of the second and fifth annual mitigation monitoring reports. The purpose of this inspection is to determine if the mitigation project has been constructed in accordance with the mitigation and monitoring plan approved by Ohio EPA and the terms and conditions of this certification, as well as to determine progress toward compliance with the performance goals for the site. The certification holder is responsible for undertaking any modifications identified by Ohio EPA.

#### F. Reporting

##### 1. Annual Update Reports

A mitigation construction and project update report shall be submitted to Ohio EPA by December 31 of each year following the date of this certification and until mitigation construction is complete and a mitigation monitoring report is ready for submittal. Each 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 certification including the filing of the required conservation easement;
- b. 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;
- c. Mitigation construction start date, completion date, or expected start and completion date;
- d. A discussion of the extent to which the mitigation has been completed according to the timelines specified in this certification;



- e. Current contact information for all responsible parties including phone number, e-mail, and mailing addresses. For the purposes of this condition, responsible parties include, but may not be limited to the certification holder, consultant, conservation easement holder, and conservation easement owner;
- f. As-built drawings sized 11" by 17" (to scale) of each of the mitigation areas, once construction is complete.

## 2. Annual Mitigation Monitoring Reports

- a. The mitigation monitoring period shall commence immediately following completion of mitigation construction and shall continue through a five year monitoring period, except as provided for in the contingency plan.
- b. Annual mitigation monitoring reports 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 reports shall be submitted by December 31<sup>st</sup> of each of the monitoring years.
- c. Annual mitigation monitoring reports shall be prepared in the format prescribed in the Ohio EPA Monitoring Report Guidelines document available at <http://epa.ohio.gov/portals/35/401/401MonitoringReportGuidelines.pdf> and include the Monitoring Report Checklist provided at <http://epa.ohio.gov/portals/35/401/401MonitoringReportChecklistTable.pdf>.
- d. Each annual report shall contain the **current contact information** for the certification holder, agent, conservation easement holder, and conservation easement owner including phone number, e-mail, and mailing addresses.
- e. Each annual report shall clearly identify the specific monitoring period the report is intended to represent, as well as the calendar year the monitoring occurred. The report shall also 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.
- f. Each annual report shall include a cover letter. The cover letter shall identify the status of the mitigation project and identify any items needing immediate attention or questions for the regulatory agencies.
- 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.
- i. The first year report shall include plan views and cross sections of the as-built mitigation area including the location and types of planting.
- j. At a minimum, the first, third, and fifth year annual reports shall contain updated drawings sized 11" by 17" or larger (to scale) of each of the mitigation streams, reflecting the current conditions, corrective or other actions that occurred, changes in dominant vegetation, and other pertinent information.
- k. 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 use of stakes with unique numbers to designate photo locations is recommended;
  - ii. Photographs shall be taken from these points at the same position and angle during the growing season of each monitoring year. 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.

#### G. Monitoring Requirements – Streams

##### 1. Site Drawings

As follows, cross section 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.

2. Stream Stability

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, head-cutting, 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 once during high flow season (February 15 – April 30) and once during low flow season (August 16 – October 31) of each monitoring year. Ground water levels shall be measured in the absence of inundated conditions. Observations should be made at base flow conditions. Large rain events or drought conditions occurring within the immediate watershed should be noted in this section. Additional hydrology data should be collected if monitoring events occur outside of normal conditions to document the flow regime of the stream.

4. Riparian Buffer 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. 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.
- b. For forested riparian buffers, standard forestry measurements (e.g., frequency, density, and dominance) for all woody species shall be calculated. These data shall be graphed against time to demonstrate that each of these areas is developing into a functional forested ecosystem.

5. Headwater Habitat Evaluation Index (HHEI)

HHEI 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.

6. Headwater Macroinvertebrate Field Evaluation Index (HMFEI)

Macroinvertebrate sampling shall be performed during the sampling index period which extends from June 15<sup>th</sup> through September 30<sup>th</sup>, and must be done in accordance with the *Biological Criteria for the Protection of Aquatic Life, Volumes I, II, and III*. This sampling shall be performed in years 3 and 5. A narrative rating shall be assigned.

H. Performance Goals – Streams

Within five years after completion of construction of the mitigation, the Certification Holder shall have:

1. Restore/enhance a minimum of 775 linear feet of perennial Stream 1 and 1082 linear feet of perennial Stream 2.
2. Developed a minimum HMFEI score of 10 for Stream 1 and 9 for Stream 2.
3. Developed a minimum of 775 linear feet for Stream 1 and 1082 linear feet for Stream 2 of native upland/floodplain buffer as measured from the top of the bank with no more than five percent relative coverage of invasive species as listed in Appendix 7 of the Guidelines for Mitigation Banking in Ohio available at <http://www.lrb.usace.army.mil/Portals/45/docs/regulatory/MitandMon/guidelineswetlandmitigation-Ohio.pdf>.
4. Demonstrated that a minimum of 400 native, live and healthy (disease and pest free) woody plants per acre (of which at least 200 are tree species) are present at the end of the monitoring period in the upland buffer.
5. Demonstrated that the stream mitigation channel and banks including up and downstream of the mitigation are stable and show no signs of excessive bank erosion, sedimentation, head-cutting, aggradation, entrenchment, or degradation.

I. Contingency Plans

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 certification holder 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.

#### **PART IV NOTIFICATIONS TO OHIO EPA**

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

Certification Holder Name:	TJX Companies Inc.
Project Name:	HomeGoods Distribution Center
Ohio EPA ID No.:	185894

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 "Treasurer, State of Ohio," 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  
30 East Broad Street, 4<sup>th</sup> Floor  
Columbus, Ohio 43215

Sincerely,



Laurie A. Stevenson  
Director



ec: Mike Fodse, [michael.m.fodse@usace.army.mil](mailto:michael.m.fodse@usace.army.mil), Department of the Army, Pittsburgh District, Corps of Engineers  
Tyler Bintrim, [tyler.j.bintrim@usace.army.mil](mailto:tyler.j.bintrim@usace.army.mil), Department of the Army, Pittsburgh District, Corps of Engineers  
Peter Swenson, [swenson.peter@epa.gov](mailto:swenson.peter@epa.gov), U.S. EPA, Region 5  
Megan Seymour, [megan\\_seymour@fws.gov](mailto:megan_seymour@fws.gov), U.S. Fish & Wildlife Service  
John Kessler, [John.Kessler@dnr.state.oh.us](mailto:John.Kessler@dnr.state.oh.us), ODNR, Office of Real Estate  
Dave Snyder, [dsnyder@ohiohistory.org](mailto:dsnyder@ohiohistory.org), Ohio Historical Preservation Office  
Ed Wilk Ohio EPA, DSW, 401/Wetlands/Mitigation Section  
Marianne Piekutowski, [Marianne.Piekutowski@epa.ohio.gov](mailto:Marianne.Piekutowski@epa.ohio.gov), Ohio EPA, DSW  
Andrea Kilbourne, [Andrea.Kilbourne@epa.ohio.gov](mailto:Andrea.Kilbourne@epa.ohio.gov), Ohio EPA, DSW, Mitigation Coordinator  
Vince Messerly, [vmesserly@streamandwetlands.org](mailto:vmesserly@streamandwetlands.org), Stream + Wetlands Foundation  
Mark Fedosick, [mfedosick@msconsultants.com](mailto:mfedosick@msconsultants.com), MS Consultants Inc.

Attachments:      Site Resource Map  
                         Site Wetland Impact Map  
                         Site Stream and Pond Impact Map  
                         Site Mitigation Overview Map  
                         Response to Comments

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>



## **Division of Surface Water Response to Comments**

**Project: HomeGoods Distribution Center - Lordstown**  
**Ohio EPA ID #: 185894**

### **Agency Contacts for this Project**

Division Contact: Ed Wilk, Division of Surface Water, (330) 963-1172,  
[ed.wilk@epa.ohio.gov](mailto:ed.wilk@epa.ohio.gov)

Public Involvement Coordinator: Kristopher Weiss, (614) 644-2160  
[kristopher.weiss@epa.ohio.gov](mailto:kristopher.weiss@epa.ohio.gov)

Ohio EPA held a comment period that began Feb. 2, 2019, regarding a Clean Water Act Section 401 application proposing to construct a 1.2-million-square-foot distribution center building located at 3640 Ellsworth Bailey Rd., Lordstown, in Trumbull County. This document summarizes the comments and questions received during the associated comment period, which ended March 4, 2019.

Ohio EPA reviewed 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.

### **Flooding Concerns**

**Comment 1:**           **Residents expressed concerns about flood hazards, storm water collection and potential storm water runoff to the downstream neighboring properties, including degradation of streams and wetlands.**

**Response 1:**       Based on Ohio Administrative Code (OAC) 3745-1-54 (D) (3), appropriate storm water control measures shall be installed to ensure peak post-development rates of surface water runoff from the impacted wetland site do not exceed the peak pre-development rates of runoff from the on-site

wetlands, for all categories of wetlands. The applicant submitted information demonstrating that this criteria was achieved. Issues regarding flooding would be addressed by the Village of Lordstown.

#### Public Hearing Concerns

**Comment 2:** Multiple received comments requested Ohio EPA hold a public hearing for this project and multiple comments received objected to Ohio EPA holding a public hearing.

**Response 2:** After considering these comments, the Director of Ohio EPA decided not to hold a public hearing for this project.

#### Preservation Concerns

**Comment 3:** Multiple commenters said TJX has provided a 130-acre buffer zone, with a conservation easement in place with Western Reserve Conservancy, to forever protect the natural resources of this land.

**Response 3:** The applicant proposed using a conservation easement for protecting the property and this is an acceptable legal instrument to accomplish this purpose under Ohio EPA's legal requirement.

**Comment 4:** Multiple commenters raised concerns about the possibility of future development of the property in a park like setting rather than preserving the property as a natural area. One person submitted a comment related to a meeting that took place at Congressman Tim Ryan's office regarding the proposed covenant by TJX.

**Response 4:** The final draft of the conservation easement was amended to address these concerns such that the property would be maintained as a natural area.

**Comment 5:** Multiple comments were received regarding TJX committing to leave the preservation property in its current condition.

**Response 5:** As noted above, the property will be preserved as a natural area.

#### Wildlife Concerns

**Comment 7:**            **A few people expressed concerns about birds, animals, aquatic life and endangered species that will be affected by this project.**

**Response 7:**        All concerns about wildlife are reviewed and addressed by the Ohio Department of Natural Resources (ODNR) and the U.S. Fish and Wildlife Services. These agencies are required to provide technical information to Ohio EPA related to wildlife and the proposed project. This information was considered when drafting the 401 Water Quality Certification.

Alternative Site Concerns

**Comment 8:**            **Multiple commenters mentioned the proposed site has the least amount of impacts to natural resources.**

**Response 8:**        The proposed site will impact 6,547 linear feet of mostly low-quality streams and cause minimal impact to a warm water habitat stream. Also, 0.56 acres of Category 1 and 2 wetlands will be impacted as part of this project. The applicant submitted an alternative site known as North Point on Tod Avenue as the next alternative site with potential wetland impacts. The North Point site demonstrated an estimated 15 acres of impacts to Category 2 wetlands that already have been deforested, with potential adjustments to the plan to avoid the Category 3 wetlands on site.

