Ohio Environmental Protection Agency

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

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 Jody Vassalle Date: 8/31/18

Certified Mail

9489 0090 0027 6025 8653 54

Re: Blanchard River Flood Reduction Permit - Intermediate Approval 401 Wetlands Hancock DSW401175610

August 31, 2018

Brian Robertson
Hancock County Commissioners
514 South Main Street
Findlay, Ohio 45840

Subject: Blanchard River Flood Reduction
Hancock County / Liberty Township / City of Findlay
Grant of a Section 401 Water Quality Certification
Corps Public Notice No. 2017-01414
Ohio EPA ID No. 175610

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 Blanchard (HUC 04100008) as authorized by this certification is necessary. 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, Howard Run-Blanchard River (HUC 04100008-03-04), has an area of 36.28 square miles. The Blanchard River is a warmwater habitat stream and primary contact recreation water.

B. Project Description

The project location is downtown Findlay, in the Blanchard River, and in Swale Park. The project purpose is to alleviate flooding in the city of Findlay. The project includes excavating a floodplain bench, removing four in-stream structures and replacing them with rock riffles, relocating a bike path, and armoring the Norfolk Southern bridge pier and abutments.

C. Impacts to Waters of the State

1. Streams

Stream 4 will be impacted by the installation of a new culvert. The Blanchard River will be impacted by the installation of rock riffles, scour protection for the Norfolk Southern bridge, and excavation for the floodplain bench.

Stream ID	Existing Use	Type* E, I, or P	Impact Type	Total Length on Site (LF)	Total Length Impacted (LF)	Percent Avoided
Stream 4	MWH	I	Culvert	378	35	91%
Blanchard River	WWH	P	Fill	4,500	1,255	72%
			Totals	4,878	1,290	

* As provided by applicant

2. Wetlands

Wetland 2 will be impacted by the bike path. Wetlands 3 and 7 will be impacted by the floodplain bench excavation. Wetlands 4, 5, and 6 will be impacted by the Karg Dam removal and subsequent bank stabilization.

Wetland ID	Isolated or Non-isolated?	Forested or Non-forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
2	Non-isolated	Non-forested	2	11.27	0.53	95.3%
3	Non-isolated	Non-forested	2	0.01	0.01	0%
4	Non-isolated	Non-forested	2	0.04	0.04	0%
5	Non-isolated	Non-forested	1	0.01	0.01	0%
6	Non-isolated	Non-forested	2	0.02	0.02	0%
7	Non-isolated	Forested	2	0.04	0.04	0%
			Totals	11.39	0.65	

3. Lakes – impacts to lakes are not authorized under this certification.

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 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 construction.

D. A copy of this certification shall remain on-site for the duration of the project 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/Stormwater 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/Stormwater 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 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 to Ohio EPA 401/Stormwater 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

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/Stormwater 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
Northwest District Office
347 North Dunbridge Road
Bowling Green, Ohio 43402
419-352-8461

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

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

   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

3. Straw bales shall not be used as a form of erosion/sediment control.

4. Temporary fill shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.

5. Materials used for fill or bank protection shall consist of suitable material free from toxic contaminants in other than trace quantities. Broken asphalt is specifically excluded from use as fill or bank protection.

6. Concrete rubble used for fill or bank stabilization shall be in accordance with ODOT specifications; free of exposed re-bar; and, free of all debris, soil and fines.

7. Chemically treated lumber which may include, but is not limited to, chromated copper arsenate and creosote treated lumber shall not be used in structures that come into contact with waters of the state.

8. Trees removed from temporary impact areas to facilitate construction shall be replaced with appropriate tree species native to Ohio.

9. 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.

10. Culverts

    a. 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 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 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

1. No in-water work shall take place during the environmental window April 15 to June 30, unless specifically approved by the Ohio Department of Natural Resources, Division of Wildlife, in writing, with a copy provided to Ohio EPA prior to undertaking any in-water work during the environmental window.

2. Prior to the discharge of fill material into the Blanchard River, a mussel relocation shall be performed by a professional malacologist with a federal permit from the United States Fish and Wildlife Service in coordination with the Ohio Department of Natural Resources, Division of Wildlife.

PART III MITIGATION

A. Description of Required Mitigation

1. Wetland Mitigation

As mitigation for 0.65 acres of wetland impact including 0.6 acres of non-forested Category 2, 0.04 acres of forested Category 2, and 0.01 acres of non-forested Category 1 wetlands, the certification holder shall purchase 1.3 non-forested and 0.1 forested credits from The Nature Conservancy's In-Lieu Fee Program within the Blanchard watershed (HUC 04100008).

2. Stream 4 Mitigation

As mitigation for 35 linear feet of stream impact to Stream 4, an intermittent stream, the certification holder shall purchase 53 credits from The Nature Conservancy's In-Lieu Fee Program within the Blanchard watershed (HUC 04100008).

3. Blanchard River Mitigation

The removal of the dams and subsequent installation of rock riffles will improve water quality and habitat for aquatic systems. As such, no additional compensatory mitigation for the Blanchard River is required. The Certification Holder shall ensure that the stream channel and banks including up and downstream of the riffle structures are stable and show no signs of excessive bank erosion, sedimentation, headcutting, aggradation, entrenchment, or degradation. Corrective actions shall be taken in a timely manner to address any such issues.

B. Timing of Mitigation Requirements

Within 30 days of the date of the Corps 404 Permit, a copy of the fully executed in-lieu fee program agreement with The Nature Conservancy shall be provided to Ohio EPA. **Impacts to waters of the state shall not occur until the terms of this condition have been met**.

C. Reporting

1. Annual Update Reports

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

a. 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;

b. 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, project construction manager(s)

c. As-built drawings sized 11" by 17" (to scale) of the final project construction, once construction is complete.

PART IV NOTIFICATIONS TO OHIO EPA

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

Certification Holder Name:	Brian Robertson
Project Name:	Blanchard River Flood Reduction
Ohio EPA ID No.:	175610

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
30 East Broad St, 4th Floor
Columbus, Ohio 43215

Sincerely,

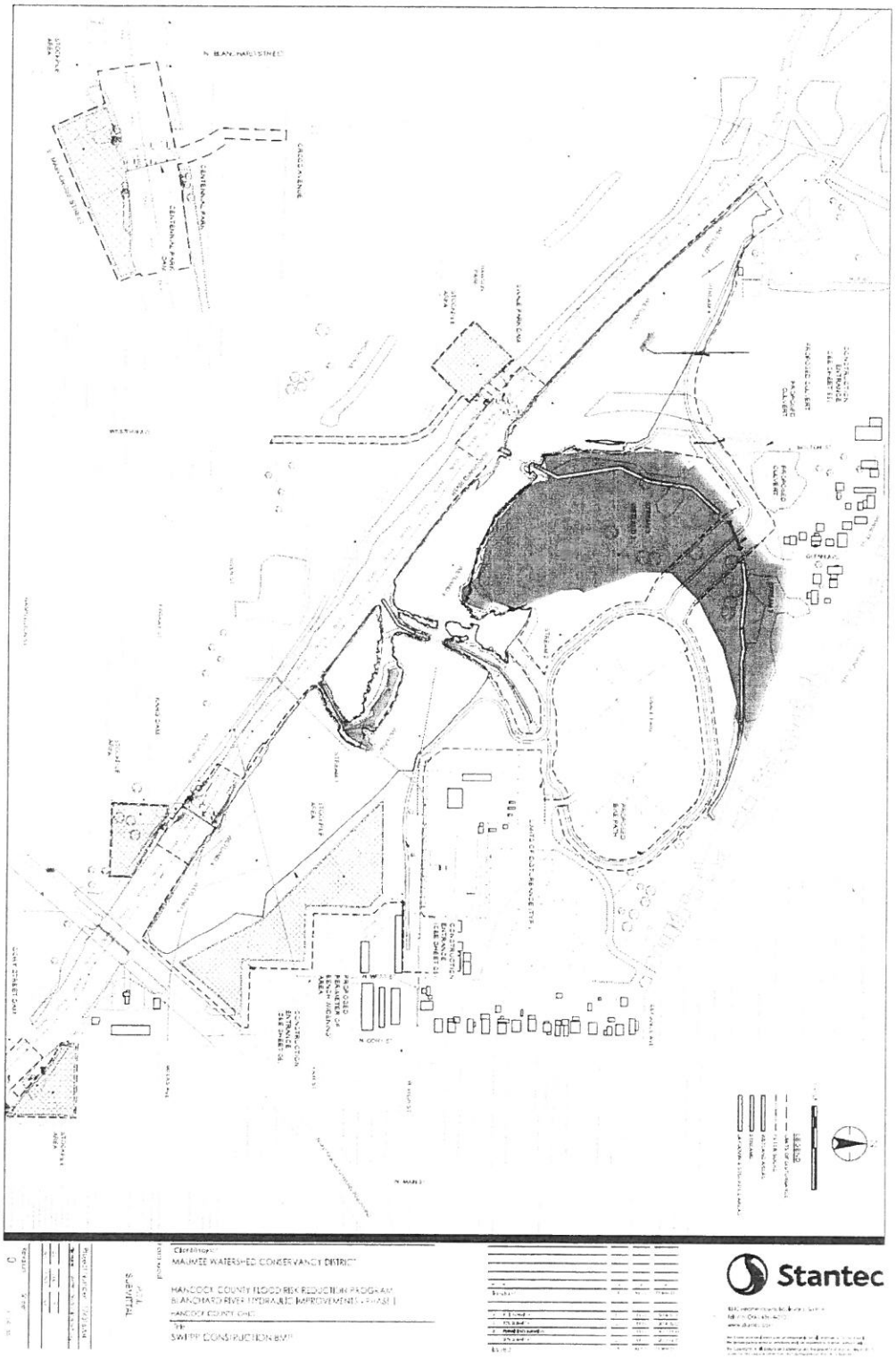
Craig W. Butler
Director

ec: Brian Swartz, Department of the Army, Buffalo District, Corps of Engineers
Peter Krakowiak, peter.j.krakowiak@usace.army.mil, Department of the Army, Buffalo District, Corps of Engineers
Peter Swenson, swenson.peter@epa.gov, U.S. EPA, Region 5
Dan Everson, dan_everson@fws.gov, U.S. Fish & Wildlife Service
John Kessler, John.Kessler@dnr.state.oh.us, ODNR, Office of Real Estate
Dave Snyder, dsnyder@ohiohistory.org, Ohio Historical Preservation Office
Heather Allamon, heather.allamon@epa.ohio.gov ,Ohio EPA, DSW, Section 401/IWP, NWDO
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Devin Schenk, dschenk@TNC.org, The Nature Conservancy
Derek Dalton, Derek.Dalton@stantec.com, Stantec

Attachments:
1. Construction Drawing
2. 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

Attachment 1. Construction Drawing



Ohio Environmental Protection Agency

Division of Surface Water
Response to Comments

Project: Blanchard River Flood Reduction
Ohio EPA ID #: 175610

Agency Contacts for this Project

Division Contact: Heather Allamon, Division of Surface Water, (419) 373-3024, heather.allamon@epa.ohio.gov
Public Involvement Coordinator: Heather Lauer, Public Interest Center, (614) 614-2160, heather.lauer@epa.ohio.gov

Ohio EPA held a public hearing on June 26, 2018, regarding a 401 water quality certification for the Blanchard River Flood Reduction project. This document summarizes the comments and questions received at the public hearing and during the public comment period, which ended on July 3, 2018.

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.

Comment 1: **One person inquired about removing trees from the banks and log jams from the river.**

Response 1: Unless part of a larger project that involves the discharge of dredged or fill material, cutting vegetation and removing log jams are activities that generally do not require a 401 water quality certification. Ohio EPA recommends keeping vegetation in riparian areas. Trees and other vegetation can help alleviate flooding because the process of transpiration pulls water from the soil, through the plant, and into the atmosphere from evaporation off leaves. This allows the

dryer soil to hold even more water. Additionally, trees and other vegetation slow overland water flow so water is delivered downstream less quickly.

Ohio EPA encourages the commenter to contact the Hancock Soil and Water Conservation District as they may be able to assist with log jam removal efforts.

Comment 2: **Will the floodplain bench excavation drain the wetland located to the west of the baseball fields in Swale Park?**

Response 2: The floodplain bench will not drain the existing wetland west of the baseball fields at Swale Park. This wetland sits at a lower elevation than the proposed floodplain bench and will fill and drain post-construction at the same rate as it does prior to construction. An existing large diameter storm water pipe drains into this wetland from the north and the wetland equalizes with the river through an existing large diameter culvert from the south. Neither of these pipes will be modified by this project.

End of Response to Comments