



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
HUNTINGTON DISTRICT, CORPS OF ENGINEERS
502 EIGHTH STREET
HUNTINGTON, WEST VIRGINIA 25701-2070

March 26, 2021

Regulatory Division
North Branch
LRH-2019-00412-WAL

INITIAL PROFFERED PERMIT

Dianna Henslee
American Transmission Systems, Inc.
800 Cabin Hill Drive
Greensburg, Ohio 15601

Dear Ms. Henslee:

Enclosed is an initial proffered Department of the Army (DA) permit regarding your proposal to temporarily and permanently discharge dredged and/or fill material into 1.98 acres of one (1) palustrine forested and palustrine emergent wetland complex, Ash-01a, Ash-01b, Ash-01c, and Ash-01d, in association with the construction of the Ashland Substation, as described in the enclosed Table 1 and as shown on the enclosed drawings (Sheet 2 through Sheet 4). The project will be located west of South Baney Road, in Milton Township, Ashland County, Ohio (Latitude 40.852026°N, Longitude 82.351106°W).

If you accept the terms and conditions of the enclosed initial proffered DA permit, please sign and return it to this office within 30 days from the date of this letter. A fee of \$100.00 is required for this DA permit. This fee must be submitted to this office with the signed copy of the DA permit. Payment options for the permit fee are described in Attachment A.

Upon receipt of the signed DA permit form and fee, the District Engineer or his representative will validate the DA permit and return a finalized copy to you. **The DA permit will not be valid until we have returned a finalized copy to you.** It should be understood that this is not an authorization to commence construction. No work is to be performed in waters of the United States until you have received a validated copy of the DA permit signed by this office.

As described above, this letter contains an initial proffered DA permit for your proposed project. If you object to this decision, you may send your specific objections to the following address for evaluation:

Mr. Mike Hatten
Chief, Regulatory Division
United States Army Corps of Engineers
502 Eighth Street
Huntington, West Virginia 25701
Phone: (304) 399-5710

If you have any questions regarding the information in this letter or the enclosures, please contact Ms. Audrey Richter of the Energy Resource Branch at 716-879-4469 or via email at Audrey.M.Richter@usace.army.mil.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Spagna".

Teresa Spagna
Chief, North Branch

Enclosures

cc: (via email)

Brian Miller
AECOM
brian.miller1@aecom.com

Cara Hardesty
Ohio EPA – Division of Surface Water
Section 401 & Isolated Wetlands Permitting
Cara.Hardesty@epa.ohio.gov

Attachment A Fee Payment Options

Electronic payment:

Electronic payment is requested, if feasible. If electronic payment is submitted, you must contact Ms. Audrey Richter by telephone at 716-879-4469 or by email at Audrey.M.Richter@usace.army.mil to advise the payment has been submitted.

1. The U.S. Army Corps of Engineers can receive funds via ACH/EFT using the following information:

Bank Name: Cash Link - ACH Receiver
Account Name: USACE Finance Center
Bank ABA Number: 051036706
Account Number: 220025
Bank Address: Riverdale, MD
Account Type: Checking

2. The U.S. Army Corps of Engineers can receive funds via Wire Transfer using the following information:

Bank Name: Treas NYC/Funds Transfer Division
Account Name: Treas NYC/CTR/BNF/AC-00008736
Bank ABA Number: 021030004
Account Number: 00008736
Bank Address: Federal Reserve Bank New York City, NY

Check or Money Order:

If electronic payment is not feasible, a check or money will be accepted. The check or money order should be made payable to: **Finance and Accounting Office, USAED-Huntington**. The check or money order should be returned via postal mail to:

Mr. Michael Hatten
Huntington District, Regulatory Division
U.S. Army Corps of Engineers
502 Eighth Street
Huntington, West Virginia 25701-2070
Phone: (304) 399-5710

DEPARTMENT OF THE ARMY PERMIT

Permittee American Transmission Systems, Inc. (FirstEnergy)

Permit No. LRH-2019-00412-WAL

Issuing Office Huntington District

NOTE: The term “you” and its derivatives, as used in this permit, means the permittee or any future transferee. The term “this office” refers to the appropriate district or division office of the Corps of Engineers having jurisdiction over the permitted activity or the appropriate official of that office acting under the authority of the commanding officer.

You are authorized to perform work in accordance with the terms and conditions specified below.

Project Description: You are authorized to temporarily and permanently discharge dredged and/or fill material into 1.98 acres of one (1) palustrine forested and palustrine emergent wetland complex, Ash-01a, Ash-01b, Ash-01c, and Ash-01d, in conjunction with the construction of the Ashland Substation, as indicated on the enclosed Table 1 and shown on the enclosed drawings (Sheet 2 through Sheet 4).

Project Location: The project is located west of South Baney Road, in Milton Township, Ashland County, Ohio (Latitude 40.852026°N, Longitude 82.351106°W).

Permit Conditions:

General Conditions:

1. The time limit for completing the work authorized ends on December 31, 2031. If you find that you need more time to complete the authorized activity, submit your request for a time extension to this office for consideration at least one month before the above date is reached.
2. You must maintain the activity authorized by this permit in good condition and in conformance with the terms and conditions of this permit. You are not relieved of this requirement if you abandon the permitted activity, although you may make a good faith transfer to a third party in compliance with General Condition 4 below. Should you wish to cease to maintain the authorized activity or should you desire to abandon it without a good faith transfer, you must obtain a modification of this permit from this office, which may require restoration of the area.
3. If you discover any previously unknown historic or archeological remains while accomplishing the activity authorized by this permit, you must immediately notify this office of what you have found. We will initiate the Federal and state coordination required to determine if the remains warrant a recovery effort or if the site is eligible for listing in the National Register of Historic Places.
4. If you sell the property associated with this permit, you must obtain the signature of the new owner in the space provided and forward a copy of the permit to this office to validate the transfer of this authorization.
5. If a conditioned water quality certification has been issued for your project, you must comply with the conditions specified in the certification as special conditions to this permit.
6. You must allow representatives from this office to inspect the authorized activity at any time deemed necessary to ensure that it is being or has been accomplished in accordance with the terms and conditions of your permit.

Special Conditions: Special conditions are found on the attached sheet titled “SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL STANDARD PERMIT NO. LRH 2019-00412-WAL FOR THE AMERICAN TRANSMISSION SYSTEMS, INC. (FIRSTENERGY), ASHLAND SUBSTATION, ASHLAND COUNTY, OHIO”

Further Information:

1. Congressional Authorities: You have been authorized to undertake the activity described above pursuant to:
 - () Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403).
 - (X) Section 404 of the Clean Water Act (33 U.S.C. 1344).
 - () Section 103 of the Marine Protection, Research and Sanctuaries Act of 1972 (33 U.S.C. 1413).
2. Limits of this authorization:
 - a. This permit does not obviate the need to obtain other Federal, state, or local authorizations required by law.
 - b. This permit does not grant any property rights or exclusive privileges.
 - c. This permit does not authorize any injury to the property or rights of others.
 - d. This permit does not authorize interference with any existing or proposed Federal project.
3. Limits of Federal Liability: In issuing this permit, the Federal Government does not assume any liability for the following:
 - a. Damages to the permitted project or uses thereof as a result of other permitted or unpermitted activities or from natural causes.
 - b. Damages to the permitted project or uses thereof as a result of current or future activities undertaken by or on behalf of the United States in the public interest.
 - c. Damages to persons, property, or to other permitted or unpermitted activities or structures caused by the activity authorized by this permit.
 - d. Design or construction deficiencies associated with the permitted work.
 - e. Damage claims associated with any future modification, suspension, or revocation of this permit.
4. Reliance on Applicant's Data: The determination of this office that issuance of this permit is not contrary to the public interest was made in reliance on the information you provided.
5. Reevaluation of Permit Decision: This office may reevaluate its decision on this permit at any time the circumstances warrant. Circumstances that could require a reevaluation include, but are not limited to, the following:
 - a. You fail to comply with the terms and conditions of this permit.
 - b. The information provided by you in support of your permit application proves to have been false, incomplete, or inaccurate (See 4 above).
 - c. Significant new information surfaces which this office did not consider in reaching the original public interest decision.

Such a reevaluation may result in a determination that it is appropriate to use the suspension, modification, and revocation procedures contained in 33 CFR 325.7 or enforcement procedures such as those contained in 33 CFR 326.4 and 326.5. The referenced enforcement procedures provide for the issuance of an administrative order requiring you to comply with the terms and conditions of your permit and for the initiation of legal action where appropriate. You will be required to pay for any corrective measures ordered by this office, and if you fail to comply with such directive, this office may in certain situations (such as those specified in 33 CFR 209.170) accomplish the corrective measures by contract or otherwise and bill you for the cost.

Dianna A. Ansell

3-31-2021

(DATE)

**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
STANDARD PERMIT NO. LRH-2019-00412-WAL FOR AMERICAN TRANSMISSION
SYSTEMS, INC., ASHLAND SUBSTATION, ASHLAND COUNTY, OHIO.**

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1. The permittee is hereby authorized to temporarily and permanently discharge dredged and/or fill material into 1.98 acres of one (1) palustrine forested (PFO) and palustrine emergent (PEM) wetland complex, Ash-01a, Ash-01b, Ash-01c, and Ash-01d, in conjunction with the construction of the proposed Ashland Substation, as indicated on the enclosed Table 1 and shown on the enclosed drawings (Sheet 2 through Sheet 4).

Table 1. Authorized Discharge of Dredged and/or Fill Material into Waters of the U.S. in Association with the Construction of the Ashland Substation (LRH-2019-00412-WAL)				
Aquatic Resource	Cowardin Classification	Duration of Fill	Fill Area (acres)	Description of the Regulated Activity
Wetland ASH-01a	PFO	Permanent	0.81	Fill – construction of foundation and stormwater controls
		Temporary	0.15	Construction access – conversion of PFO to PEM wetland
Wetland ASH-01b	PEM	Permanent	0.58	Fill – construction of foundation and stormwater controls
		Temporary	0.03	Construction access – timber mats
Wetland ASH-01c	PFO	Permanent	0.27	Fill – construction of foundation and stormwater controls
		Temporary	0.10	Construction access – conversion of PFO to PEM wetland
Wetland ASH-01d	PEM	Permanent	0.04	Fill – construction of foundation and stormwater controls
Total Permanent Fill (acres)			1.70	
Total PFO to PEM Conversion (acres)			0.25	
Total Temporary Fill (acres)			0.03	
Total Temporary and Permanent Fill (acres)			1.98	

2. As-built drawings will be furnished to this office within 60 days of completion of construction showing the location and configuration, as well as all pertinent dimensions and elevations of each project component authorized under this Section 404 CWA Department of the Army (DA) permit.
3. Should new information regarding the scope and/or impacts of the project become available that was not submitted to this office during our review of the proposal, the permittee will submit written information concerning proposed modification(s) to this office for review and evaluation, as soon as practicable.
4. The permittee is solely responsible for insuring all authorized activities are performed in compliance with all of the permit's terms and conditions.
5. The Section 401 Water Quality Certification issued by the Ohio Environmental Protection Agency dated March 11, 2021 is attached hereto and made a part of this permit. All conditions attached to or contained therein, and any future modifications

**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
STANDARD PERMIT NO. LRH-2019-00412-WAL FOR AMERICAN TRANSMISSION
SYSTEMS, INC., ASHLAND SUBSTATION, ASHLAND COUNTY, OHIO.**

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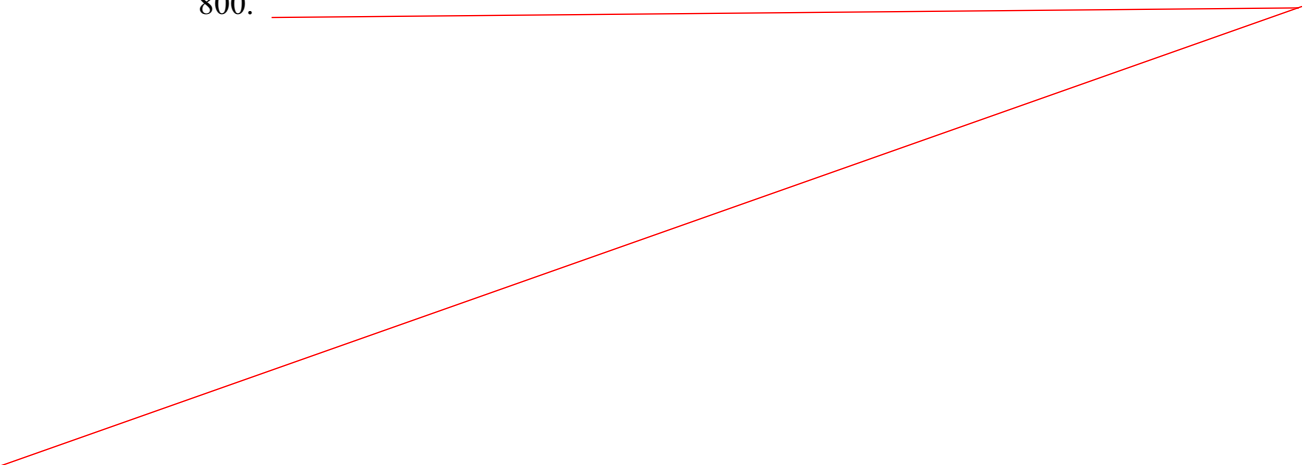
are hereby incorporated by reference as being special conditions of the Section 404 CWA DA permit.

6. To compensate for the permanent discharge of dredged and/or fill material into 1.70 acres of PFO and PEM wetland and the permanent conversion of 0.25 acre of PFO to PEM wetland, associated with the construction of the Ashland Substation, the permittee will purchase a total of 4.70 wetland credits (3.40 forested wetland credits and 1.30 non-forested wetland credits) from the Nature Conservancy's Ohio Stream and Wetland In-Lieu Fee (ILF) Mitigation Program. Prior to the discharge of dredged and/or fill material into waters of the U.S, the permittee must provide to the Corps a copy of the fully executed mitigation purchase agreement with the Nature Conservancy's Ohio Stream and Wetland ILF Mitigation Program confirming the complete purchase of 4.70 wetland credits (3.40 forested wetland credits and 1.30 non-forested wetland credits).
7. The permittee is required to apply for and secure all necessary permits, certifications or other approvals from federal, state or local regulatory agencies, prior to commencing construction activity.
8. Construction activities will be performed during low flow conditions to the greatest extent practicable. Appropriate site-specific best management practices (BMPs) for sediment and erosion control will be fully implemented during construction activities at the site. Clean fill material (i.e. rip rap, stone, etc.) compatible with existing soils will be used.
9. All water resources and their buffers, which are to be avoided, must be clearly indicated on site drawings, demarcated in the field and protected with suitable materials prior to site disturbance. These materials must remain in place and be maintained throughout the construction process.
10. No area for which grading has been completed will be unseeded for longer than 14 days, except where final grading of construction areas and out slopes is completed in winter months, in which case seeding will be conducted as soon as practicable within the next available seasonal planning window. All disturbed areas will be seeded and/or revegetated with native species and approved seed mixes (where practicable) after completion of construction activities.
11. The project site lies within the range of the Indiana bat (*Myotis sodalis*), a federally listed endangered species and the northern long-eared bat (*Myotis septentrionalis*), a federally listed threatened species. Several factors have contributed to the two (2) species decline, including habitat loss, fragmentation of habitat and the disease White Nose Syndrome. During winter, the two (2) bat species hibernate in caves and abandoned mines. Suitable summer habitat for Indiana bats and northern long-eared

**SPECIAL CONDITIONS FOR SECTION 404 CLEAN WATER ACT INDIVIDUAL
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bats consists of a wide variety of forested/wooded habitats where they roost, forage, and travel and may also include some adjacent and interspersed non-forested habitats such as emergent wetlands and adjacent edges of agricultural fields, old fields and pastures. This includes forests and woodlots containing potential roosts (i.e., live trees and/or snags ≥ 3 inches diameter at breast height (dbh) that have any exfoliating bark, cracks, crevices, hollows and/or cavities), as well as linear features such as fencerows, riparian forests, and other wooded corridors. These wooded areas may be dense or loose aggregates of trees with variable amounts of canopy closure. Individual trees may be considered suitable habitat when they exhibit the characteristics of a potential roost tree and are located within 1,000 feet (305 meters) of other forested/wooded habitat. The permittee will preserve wooded/forested habitats exhibiting any of the characteristics listed above wherever possible. Should suitable habitat be present that cannot be saved during construction activities, any trees ≥ 3 inches dbh will only be cut between 1 October – 31 March 31.

12. Section 7 obligations under the Endangered Species Act (Section 7) must be reconsidered if new information reveals impacts of the project that may affect federally listed species or critical habitat in a manner not previously considered, the proposed project is subsequently modified to include activities which were not considered during Section 7 consultation with the USFWS, or new species are listed or critical habitat designated that might be affected by the subject project and mitigation projects.
 13. In the event any previously unknown historic or archaeological sites or human remains are uncovered while accomplishing the activity authorized by this DA permit authorization, the permittee must cease all work in waters of the U.S. immediately and contact local, state and county law enforcement offices (only contact law enforcement on findings of human remains), the Corps at 304-399-5610, the Ohio State Historic Preservation Office at 614-297-2300, and the Match-E-Be-Nash-She-Wish Band of Pottawatomi Indians at (269) 397-1780. The Corps will initiate the federal, state and tribal coordination required to comply with the National Historic Preservation Act and applicable state and local laws and regulations. Federally recognized tribes are afforded a government-to-government status as sovereign nations and consultation is required under Executive Order 13175 and 36 CFR Part 800.
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NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applicant: American Transmissions Systems Inc.		File Number: LRH-2019-00412	Date: 3/26/2021
Attached is:			See Section below
X	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B	
	PERMIT DENIAL	C	
	APPROVED JURISDICTIONAL DETERMINATION	D	
	PRELIMINARY JURISDICTIONAL DETERMINATION	E	

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at

http://www.usace.army.mil/CECW/Pages/reg_materials.aspx or Corps regulations at 33 CFR Part 331.

A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

B: PROFFERED PERMIT: You may accept or appeal the permit

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT

REASONS FOR APPEAL OR OBJECTIONS: (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

ADDITIONAL INFORMATION: The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

POINT OF CONTACT FOR QUESTIONS OR INFORMATION:

If you have questions regarding this decision and/or the appeal process you may contact:

Michael Hatten, Chief, Regulatory Division, 304-399-5710
Teresa Spagna, Chief, North Branch, 304-399-5210
Lee Robinette, Chief, Energy Resource Branch, 304-399-5610
Susan Porter, Chief, South/Transportation Branch, 304-399-5710
Address: U.S. Army Corps of Engineers
Regulatory Division
502 8th Street
Huntington, WV 25701

If you only have questions regarding the appeal process you may also contact:

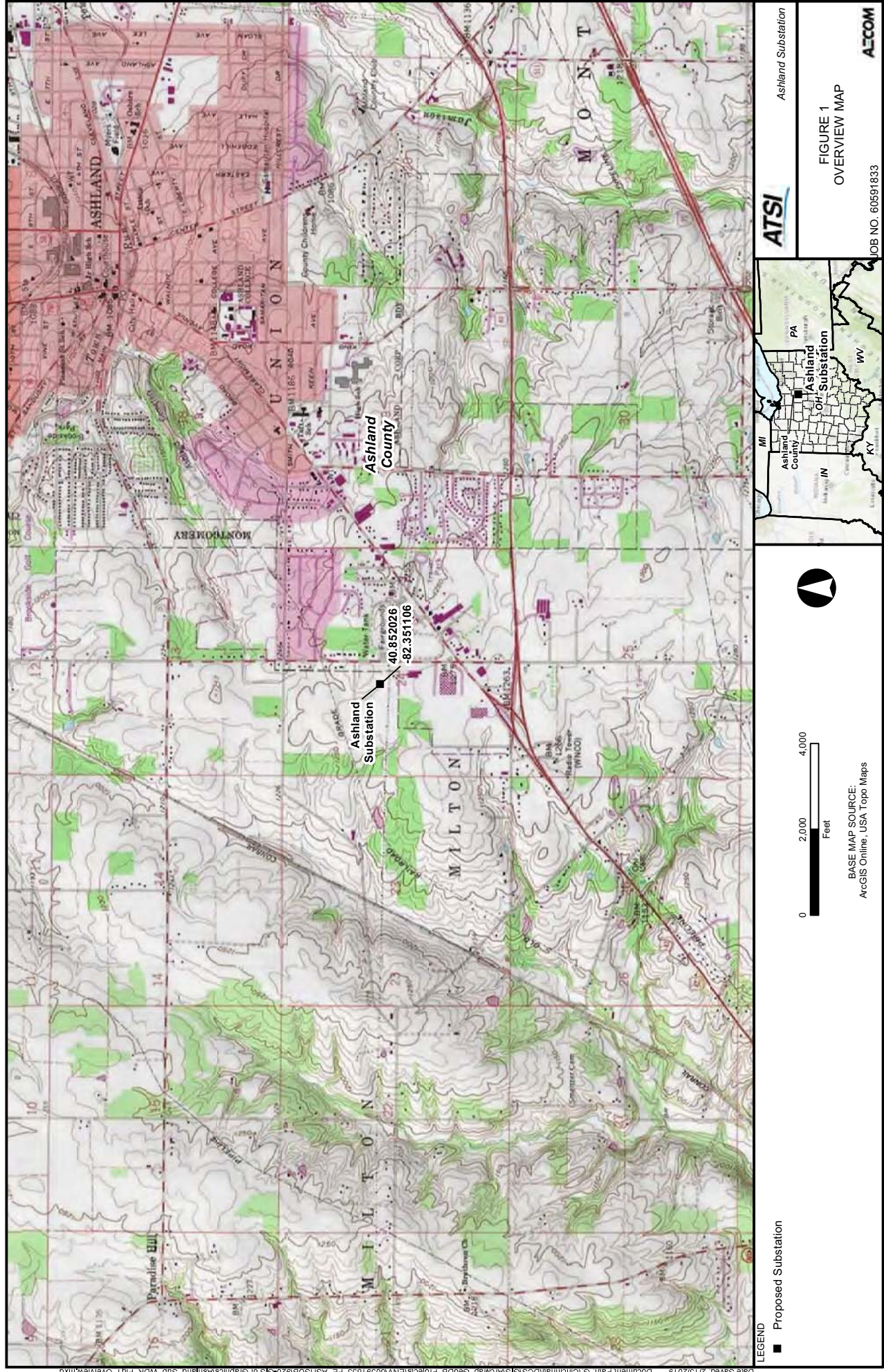
Appeal Review Officer
U.S. Army Corps of Engineers
Great Lakes and Ohio River Division
550 Main Street, Room 10-74
Cincinnati, OH 45202-3222
TEL (513) 684-2699; FAX (513) 684-2460

RIGHT OF ENTRY: Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

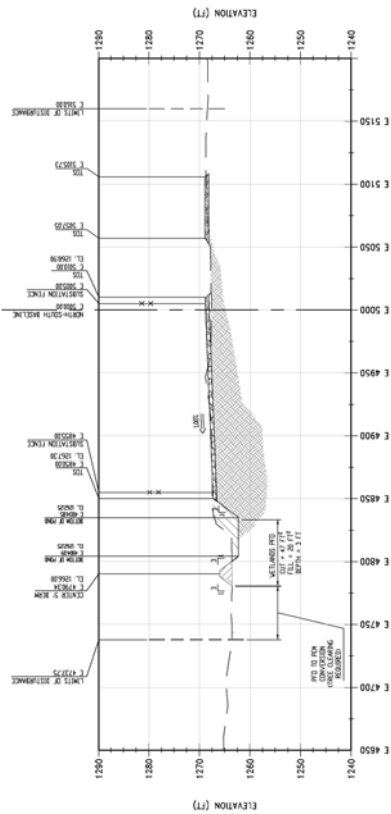
Signature of appellant or agent.

Date:

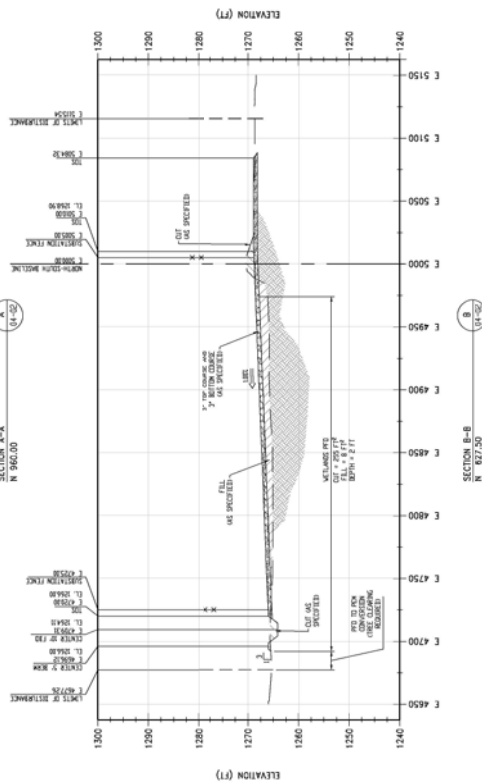
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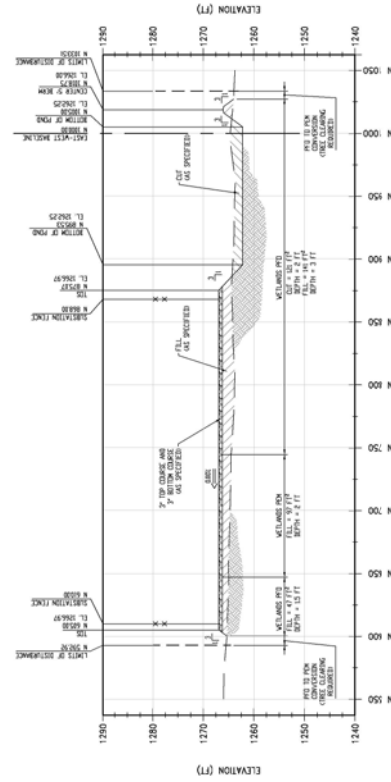




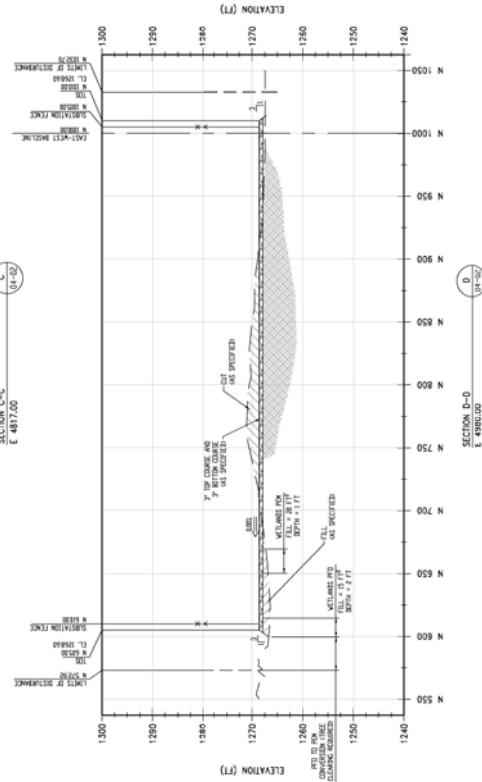
SECTION A-A
N 860.00



SECTION B-B
N 827.50



SECTION C-C
E 4817.00



SECTION D-D
E 4980.00

- LEGEND:**
- PROPOSED GRADE
 - EXISTING GRADE
 - CUT EXISTING GRADE
 - FILL EXISTING GRADE
 - SHOULDER
 - CHANGING ROAD
 - 3% SLOPE
 - 10% SLOPE
 - 15% SLOPE
 - FLAT BOTTOM SECTION

NOTES:

- ELEVATIONS INDICATED ARE TO FINISHED GRADE (TOP OF ROAD)
- EXISTING GRADE IS SHOWN BY DASHED LINE
- AS TO ADJUST LANDING, GRADE, ETC. IN A, B, C, D, E, F, G, H, I, J, K, L, M, N, O, P, Q, R, S, T, U, V, W, X, Y, Z, AA, AB, AC, AD, AE, AF, AG, AH, AI, AJ, AK, AL, AM, AN, AO, AP, AQ, AR, AS, AT, AU, AV, AW, AX, AY, AZ, BA, BB, BC, BD, BE, BF, BG, BH, BI, BJ, BK, BL, BM, BN, BO, BP, BQ, BR, BS, BT, BU, BV, BW, BX, BY, BZ, CA, CB, CC, CD, CE, CF, CG, CH, CI, CJ, CK, CL, CM, CN, CO, CP, CQ, CR, CS, CT, CU, CV, CW, CX, CY, CZ, DA, DB, DC, DD, DE, DF, DG, DH, DI, DJ, DK, DL, DM, DN, DO, DP, DQ, DR, DS, DT, DU, DV, DW, DX, DY, DZ, EA, EB, EC, ED, EE, EF, EG, EH, EI, EJ, EK, EL, EM, EN, EO, EP, EQ, ER, ES, ET, EU, EV, EW, EX, EY, EZ, FA, FB, FC, FD, FE, FF, FG, FH, FI, FJ, FK, FL, FM, FN, FO, FP, FQ, FR, FS, FT, FU, FV, FW, FX, FY, FZ, GA, GB, GC, GD, GE, GF, GG, GH, GI, GJ, GK, GL, GM, GN, GO, GP, GQ, GR, GS, GT, GU, GV, GW, GX, GY, GZ, HA, HB, HC, HD, HE, HF, HG, HH, HI, HJ, HK, HL, HM, HN, HO, HP, HQ, HR, HS, HT, HU, HV, HW, HX, HY, HZ, IA, IB, IC, ID, IE, IF, IG, IH, II, IJ, IK, IL, IM, IN, IO, IP, IQ, IR, IS, IT, IU, IV, IW, IX, IY, IZ, JA, JB, JC, JD, JE, JF, JG, JH, JI, JJ, JK, JL, JM, JN, JO, JP, JQ, JR, JS, JT, JU, JV, JW, JX, JY, JZ, KA, KB, KC, KD, KE, KF, KG, KH, KI, KJ, KL, KM, KN, KO, KP, KQ, KR, KS, KT, KU, KV, KW, KX, KY, KZ, LA, LB, LC, LD, LE, LF, LG, LH, LI, LJ, LK, LL, LM, LN, LO, LP, LQ, LR, LS, LT, LU, LV, LW, LX, LY, LZ, MA, MB, MC, MD, ME, MF, MG, MH, MI, MJ, MK, ML, MM, MN, MO, MP, MQ, MR, MS, MT, MU, MV, MW, MX, MY, MZ, NA, NB, NC, ND, NE, NF, NG, NH, NI, NJ, NK, NL, NM, NN, NO, NP, NQ, NR, NS, NT, NU, NV, NW, NX, NY, NZ, OA, OB, OC, OD, OE, OF, OG, OH, OI, OJ, OK, OL, OM, ON, OO, OP, OQ, OR, OS, OT, OU, OV, OW, OX, OY, OZ, PA, PB, PC, PD, PE, PF, PG, PH, PI, PJ, PK, PL, PM, PN, PO, PP, PQ, PR, PS, PT, PU, PV, PW, PX, PY, PZ, QA, QB, QC, QD, QE, QF, QG, QH, QI, QJ, QK, QL, QM, QN, QO, QP, QQ, QR, QS, QT, QU, QV, QW, QX, QY, QZ, RA, RB, RC, RD, RE, RF, RG, RH, RI, RJ, RK, RL, RM, RN, RO, RP, RQ, RR, RS, RT, RU, RV, RW, RX, RY, RZ, SA, SB, SC, SD, SE, SF, SG, SH, SI, SJ, SK, SL, SM, SN, SO, SP, SQ, SR, SS, ST, SU, SV, SW, SX, SY, SZ, TA, TB, TC, TD, TE, TF, TG, TH, TI, TJ, TK, TL, TM, TN, TO, TP, TQ, TR, TS, TT, TU, TV, TW, TX, TY, TZ, UA, UB, UC, UD, UE, UF, UG, UH, UI, UJ, UK, UL, UM, UN, UO, UP, UQ, UR, US, UT, UY, UZ, VA, VB, VC, VD, VE, VF, VG, VH, VI, VJ, VK, VL, VM, VN, VO, VP, VQ, VR, VS, VT, VU, VV, VW, VX, VY, VZ, WA, WB, WC, WD, WE, WF, WG, WH, WI, WJ, WK, WL, WM, WN, WO, WP, WQ, WR, WS, WT, WU, WV, WW, WX, WY, WZ, XA, XB, XC, XD, XE, XF, XG, XH, XI, XJ, XK, XL, XM, XN, XO, XP, XQ, XR, XS, XT, XU, XV, XW, XX, XY, XZ, YA, YB, YC, YD, YE, YF, YG, YH, YI, YJ, YK, YL, YM, YN, YO, YP, YQ, YR, YS, YT, YU, YV, YW, YX, YY, YZ, ZA, ZB, ZC, ZD, ZE, ZF, ZG, ZH, ZI, ZJ, ZK, ZL, ZM, ZN, ZO, ZP, ZQ, ZR, ZS, ZT, ZU, ZV, ZW, ZX, ZY, ZZ.



06/23/2020

REFERENCE ELEVATIONS:

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ISSUED FOR PERMITTING

PROJECT: 40.851643, -82.350808
SHEET: 4 OF 4
DATE: 06/23/2020
PROJECT: 40.851643, -82.350808
SHEET: 4 OF 4
DATE: 06/23/2020



Mike DeWine, Governor
Jon Husted, Lt. Governor
Laurie A. Stevenson, 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:  Date: _____

3/11/2021

**Re: Ashland Substation
Permit - Intermediate
Approval
401 Wetlands
Ashland
DSW401207019A**

March 11, 2021

Dianna Henslee
American Transmission Systems, Inc. (FirstEnergy)
341 White Pond Drive
Akron, OH 44320
dhenslee@firstenergycorp.com

Subject: Ashland Substation
Ashland County / Milton Township / Ashland
Grant of a Section 401 Water Quality Certification
Corps No. LRH-2019-00412-WAL
Ohio EPA ID No. 207019A

Dear Stakeholders:

I hereby authorize the above referenced project under the following authorities, and it is subject to the following conditions:

Section 401 Water Quality Certification

Pursuant to section 401 of the Federal Water Pollution Control Act, 33 U.S.C. section 1341; Ohio Revised Code chapters 119 and 6111; Ohio Administrative Code chapters 3745-1, 3745-32 and 3745-49, 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 Mohican Watershed (HUC 05040002) 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. The discharge from this project will comply with all federal and state water quality requirements, as defined at 40 C.F.R. § 121.1(n).

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

The watershed in which this project is located, Lang Creek (HUC 05040002-06-01), has an area of 34.1 square miles. The site drains to Town Run, which is a warmwater habitat (WWH) stream and primary contact recreation water with an antidegradation category of general high-quality water. Other Ohio EPA Aquatic Life Use Designations located in this watershed, as found in OAC rule 3745-1-24, include Warmwater Habitat (WWH).

B. Project Description

The project is proposing to construct the new Ashland 138/69 kV (kilovolt) Substation.

C. Impacts to Waters of the State

These conditions are authorized by OAC 3745-32-03(K)(1) and are necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.

1. Streams

Impacts to streams are not authorized under this certification.

2. Wetlands

Impacts to non-forested and forested portions of Wetland ASH-01 will occur in order to construct the substation and appurtenant features, including a storm water basin.

Wetland ID	Isolated or Non-isolated?	Forested or Non-Forested	Category	Total Acreage on Site	Total Acreage Impacted	Percent Avoided
ASH-01	Non-isolated	Forested	2	3.03	1.33	56%
		Non-Forested		0.73	0.65	11%
Totals				3.76	1.98	47%

3. Lakes

Impacts to lakes are not authorized under this certification.

PART II TERMS & CONDITIONS

Granted with Conditions (40 CFR 121.7(d)(2)) Ohio EPA has determined that the potential discharges from the project will comply with water quality requirements, as defined at 40 C.F.R. § 121.1(n), subject to the following conditions pursuant to CWA Section 401(d):

- 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.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.
- B. Terms and conditions outlined in this section apply to project construction as described in this certification.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.
- 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.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.
- D. A copy of this certification shall remain on-site for the duration of the project construction activities.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.
- 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)
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, ORC 6111.04(A)(1), and Section 303 of the Clean Water Act.

- 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.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, ORC 6111.05, and Section 303 of the Clean Water Act.
- 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.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.
- 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.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, ORC 6111.05, and Section 303 of the Clean Water Act.
- 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.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.
- J. To ensure the proposed project is constructed in accordance with the certification, the Certification Holder shall provide electronic maps of the development area to Ohio EPA 401 Section within 30 days of the date of this certification.
This condition is authorized by OAC 3745-32-03(K)(1) and is necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.

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 Manager
50 West Town Street, Suite 700
PO Box 1049
Columbus, OH 43216-1049

- K. This proposal may require other permits from Ohio EPA. To ensure compliance with other Ohio EPA permitting requirements and application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency
Southeast District Office
2195 Front Street
Logan, Ohio 43138
740-385-8501

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)

The following conditions are authorized by OAC 3745-32-03(K)(1) and are necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.

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 to protect aquatic resources from unauthorized discharge of pollutants. These materials shall remain in place and be maintained throughout the construction process and removed after completion of construction.
2. To reduce sedimentation of aquatic resources and increased turbidity, 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. To reduce sedimentation of aquatic resources and increased turbidity, straw bales shall not be used as a form of sediment control unless used in conjunction with another structural control such as silt fencing. Straw bales may be utilized for purposes of erosion control such as ditch checks.
4. To reduce sedimentation of aquatic resources and increased turbidity, fill material shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. To minimize soil erosion and reduce the adverse effects associated with invasive plant species, trees removed from temporary impact areas to facilitate construction shall be replaced with appropriate tree species native to Ohio.
6. To protect the water quality of aquatic resources, all temporary fill material must be removed to an area that has no waters of the state at the completion of construction activities.

M. Wildlife Protection

The following conditions are authorized by OAC 3745-32-03(K)(1) and are necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.

1. In the event that an eastern massasauga rattlesnake (*Sistrurus catenatus catenatus*) is encountered during construction of the project, work should immediately cease and the Ohio Department of Natural Resources, Division of Wildlife contacted to minimize effects to the species. Caution should be employed during construction and during the snakes' active season (March 15 - November 15).

PART III MITIGATION

The following conditions are authorized by OAC 3745-32-03(K)(1) and are necessary to comply with water quality requirements per OAC 3745-1-04, OAC 3745-1-05, OAC 3745-1-07, OAC 3745-1-51, OAC 3745-1-54, and Section 303 of the Clean Water Act.

A. Description of Required Mitigation

As mitigation for 1.98 acres of wetland impacts including 1.33 acres of forested category 2 wetland and 0.65 acres of non-forested category 2 wetland, the certification holder shall purchase 3.40 forested credits and 1.30 non-forested credits (4.70 total credits) from The Nature Conservancy's In-lieu Fee Program located within the Mohican Watershed (HUC 05040002).

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

To ensure the proposed project is constructed in accordance with the provided information, 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 of wetlands 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: American Transmissions Systems Inc.
(FirstEnergy)
Project Name: Ashland Substation
Ohio EPA ID No.: 207019A

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 St, 4th Floor
Columbus, Ohio 43215

Sincerely,



Laurie A. Stevenson
Director

ec: Audrey Richter, Audrey.M.Richter@usace.army.mil, Huntington District,
Corps of Engineers
Cory Wilson, cory.l.wilson@usace.army.mil, Department of the Army,
Huntington District, Corps of Engineers
Dana Rzeznik, rzeznik.dana@epa.gov, U.S. EPA, Region 5
Patrice Ashfield, Ohio@fws.gov, U.S. Fish & Wildlife Service
Mike Pettegrew, mike.pettegrew@dnr.state.oh.us, ODNR, Office of Real Estate
Diana Welling, dwelling@ohiohistory.org, Ohio Historical Preservation Office
Cara Hardesty, cara.hardesty@epa.ohio.gov, Ohio EPA, DSW,
401/Wetlands/Mitigation Section
Marianne Piekutowski, Marianne.Piekutowski@epa.ohio.gov, Ohio EPA, DSW
Andrea Kilbourne, Andrea.Kilbourne@epa.ohio.gov, Ohio EPA, DSW,
Mitigation Coordinator
Jeff Lewis, jeffrey.lewis@epa.ohio.gov, Ohio EPA, DSW, CDO
Devin Schenk, dschenk@TNC.org, The Nature Conservancy
Brain Miller, Brian.miller1@aecomc.com, AECOM Technical Services, Inc.

Attachments: Site Location Map
Site Impacts Map

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>

