



FOR RELEASE: June 1, 2011
CONTACT: Kristopher Weiss, (614) 644-2160

**Ohio EPA Meeting to Focus on Wetland and Stream Impacts
From Substation and Transmission Line Project**

Potential wetland and stream impacts from the proposed construction of an electric substation in Geauga County and a transmission line in Geauga and Lake counties will be the focus of a June 13, 2011, Ohio EPA public meeting. The information session and public hearing will begin at 7 p.m. at the Montville Community Center, 9755 Madison Road, Montville.

The meeting will be an opportunity for citizens to ask questions and submit comments concerning an application submitted by the Cleveland Electric Illuminating Company (CEI) and American Transmission Systems Inc. (ATS) for an expansion project originally approved by the Ohio Power Siting Board in November 2008.

CEI and ATS are proposing to construct the Stacy substation along Mayfield Road/US 322 in Huntsburg Township, Geauga County, and nearly 15 miles of transmission line along and east of Madison Road/SR 528 in Huntsburg, Montville and Thompson townships in Geauga County and Madison Township in Lake County. If constructed as proposed, the substation would impact up to 0.03 acre of wetlands and the transmission line would impact up to 6.7 acres of forested wetlands (they would convert to scrub shrub wetlands) and cross streams in three places. The companies would be required to preserve wetland resources to mitigate any approved impacts. Ohio EPA also will consider other alternatives resulting in lesser or no impacts to water quality.

Anyone wanting to discharge dredged or fill material to waters of the State must first obtain a water quality certification from Ohio EPA and a permit from the U.S. Army Corps of Engineers. Ohio EPA's review is to ensure the project will comply with Ohio's water quality standards.

The proposed project may result in a change from the current water quality conditions in the Grand River watershed, but cannot violate Ohio's water quality standards that protect human health and the environment. Ohio EPA will consider the technical, economic, social and environmental aspects of the project before deciding to issue or deny a water quality certification.

Comments on the application may be presented at the hearing or submitted in writing to: Ohio EPA, Division of Surface Water, attn: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049. The public comment period ends June 20, 2011.

The application (Ohio EPA ID #093580) and related materials are available for review by calling (614) 644-2001.

AGENDA



INFORMATION SESSION & PUBLIC HEARING AGENDA
Regarding

**Cleveland Electric Illuminating Co./American Transmission Systems, Inc.
401 WATER QUALITY CERTIFICATION APPLICATION
Stacy Substation and 138kV Transmission Line**

7 p.m., Monday, June 13, 2011
Montville Township Community Center

******* Information Session *******

Introduction

Kristopher Weiss
Public Interest Center
(614) 644-2160

Presentation/Q&A

Ed Wilk
Division of Surface Water
(330) 963-1172

******* Public Hearing *******

Comments Accepted
On the Record

Kristopher Weiss
Hearing Officer

The purpose of this public hearing is to accept comments on the official record regarding a Clean Water Act Section 401 water quality certification application from the Cleveland Electric Illuminating Co. and American Transmission Systems Inc. to install the Stacy Substation and a 138 kV overhead transmission line.

Ohio EPA will accept written comments through June 20, 2011.

Written comments can be filed with us today or submitted to: Ohio EPA, Division of Surface Water, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049.

August 2005

401 Water Quality Certification

What is a Section 401 water quality certification?

Section 401 of the federal Clean Water Act (CWA) requires state agencies to evaluate projects that will result in the discharge of dredged or fill material into waters of the United States to determine whether the discharge will violate the State's water quality standards. A Section 401 certification is required for activities that require federal permits such as a Section 404 permit, a Federal Energy Regulatory Commission (FERC) license, or a U.S. Coast Guard permit.

Who must apply?

Any person who wishes to place dredged or fill material into wetlands, streams or lakes must apply for an individual Section 401 certification unless the project meets the Ohio EPA conditions of applicable nationwide permits (see below). Activities typically requiring 401 certification include stream rerouting, culverting streams, filling wetlands and dredging and filling in lakes. Typical projects include highway construction, marina and dock construction, shopping mall construction, strip mining operations or housing subdivision.

What are the applicable laws and regulations?

- Federal Water Pollution Control Act of 1972 and subsequent amendments (a.k.a. Clean Water Act)

- 40 CFR Parts 230 through 233 and 33 CFR Parts 320 through 330

- Ohio Revised Code (ORC) 6111

- Ohio Administrative Code (OAC) Rule 3745-32: Water Quality Certification

- Ohio Administrative Code (OAC) Rule 3745-1 -01 through 32: Water Quality Standards

- Ohio Administrative Code (OAC) Rule 3745-1 -50 through 54: Wetland Water Quality Standards

What is the application process?

Ohio EPA must determine whether an application is complete within 15 business days and notify the applicant in writing if the application is complete. The applicant is then responsible for issuing a public notice within 21 days after the determination that their project is complete. The public will have 30 days following the publication of the public notice to provide comments. At least 30 days prior to the hearing, the applicant is responsible for public noticing the details of the hearing. Ohio EPA will conduct a public hearing for projects if the director determines that there is significant public interest.

An applicant seeking 401 certification must present an evaluation of alternatives and discuss the social and economic impacts that will result from the project. The Clean Water Act allows states up to one year to act on applications for Section 401 water quality certification. However, the new statute allows a 180-day issuance time frame.

What are some typical requirements of a Section 401 certification?

1. Complete 401 application
2. Application permit fees
3. U.S. Army Corps of Engineers Public Notice or General Permit Notification
4. U.S. Army Corps of Engineers Jurisdictional Determination Letter
5. Applicant's Investigation Report of Waters of the United States
6. Site photographs
7. Descriptions, schematics and appropriate economic information for the applicant's preferred alternative, minimal degradation alternative and non-degradation alternative for construction and operation of the activity.
8. Wetland Characterization Analysis (consistent with Ohio Rapid Assessment Method (ORAM) –if wetland impacts are proposed
9. Stream Use Attainability Analysis – if stream impacts are proposed to a stream and no aquatic life use designation had been made
10. Copies of comment request letters to U.S. F&W and ODNR regarding endangered species and critical habitat
11. Specific and detailed mitigation proposal, including the legal mechanism to protect the mitigation areas in perpetuity



401 Water Quality Certification

How much does it cost?

Application fee: \$200 plus Review Fees*
 Impact fee: \$500 per acre Wetland

Resource	Review Fees	Max Fees	Additional Comments
Wetland	\$500 per acre	\$25,000	
Ephemeral Stream	\$5 per lineal ft. or \$200 (whichever is greater)	\$200	
Intermittent Stream	\$10 per lineal ft. or \$200 (whichever is greater)	\$200	
Perennial Stream	\$15 per lineal ft. or \$200 (whichever is greater)	\$200	
Lake	\$3 per cubic yard of dredged or fill material to be moved		
Total		Maximum Fee is \$25,000 (\$5,000 for counties, townships or municipal corporations). State agencies are exempt from fees	Coal mining and reclamation operations are exempted from fees from 09/29/2005 through 09/29/2006

*\$200 plus one-half of review fees are due with the application submittal.

Applicants must mitigate wetland impacts by restoring or enhancing wetlands elsewhere in accordance with the wetland water quality standards. Ohio EPA also may require applicants to mitigate stream impacts by restoring impacted stream segments or purchasing conservation easements within the watershed in which the impacts occur.

What are nationwide permits?

Specific activities that will have minimal environmental impacts may be authorized by the U.S. Army Corps of Engineers under nationwide permits. If the activities meet Ohio EPA's conditions on the nationwide permit, the project does not require an individual Section 401 water quality certification. There are currently nationwide permits for approximately 40 types of activities.

How long is the 401 certification valid?

The 401 certification is valid for five years when issued in conjunction with a U.S. Army Corps of Engineers individual Section 404 permit unless a different time frame is established.

For More Information

Ohio EPA
 Division of Surface Water
 Section 401 Coordinator
 P.O. Box 1049
 Columbus, OH 43215-1049
 (614) 644-2001

Appeal Process for Director's Final Actions

Final actions of the director of environmental protection are appealable to the Ohio Environmental Review Appeals Commission (ERAC). The ERAC is a separate board from Ohio EPA. The members of the ERAC are appointed by the Governor to six-year terms.

Final actions include: The adoption, modification, or repeal of rules; the issuance, modification, or revocation of orders (other than emergency orders); the issuance, denial, modification or revocation of licenses, permits, leases, variances, or certificates; and the approval or disapproval of plans and specifications.

Generally, final actions may be appealed to the ERAC by a person who was a party to a proceeding before the director by filing an appeal within 30 days of notice of the final action. However, a final action issuing, denying, modifying, revoking, or renewing a permit, license, or variance, which is not preceded by a proposed action, may be appealed by filing an appeal within 30 days of issuance of the action.

Appeals to the ERAC must be in writing, and must set forth the action complained of and the grounds upon which the appeal is based. Such appeals must be filed with:

Environmental Review Appeals Commission
309 South Fourth Street
Suite 222
Columbus, Ohio 43215
(614) 466-8950

The appeal must be accompanied by a filing fee of \$70, which the ERAC may waive in cases of extreme hardship.

A copy of the appeal must be served on the director of environmental protection within three days after filing the appeal with the ERAC. The filing of an appeal does not automatically suspend or stay the action appealed from.

If the ERAC determines that the action appealed from was lawful and reasonable, the ERAC will affirm the action. If the ERAC finds that the action was unlawful or unreasonable, the ERAC will vacate or modify the action appealed from.

Orders of the ERAC are appealable by adversely affected parties to the Franklin County Court of Appeals, or if the appeal arises from an alleged violation of a law or regulation, to the court of appeals of the district in which the violation was alleged to have occurred. Notices of appeal must be filed with the ERAC and the court and sent by certified mail to the director within 30 days from the date upon which the appellant received notice by the ERAC of the order being issued.