



Ohio EPA 06/10/2026

Entered Director's Journal EPA.Ohio.gov

Mike DeWine, Governor Jim Tressel, Lt. Governor John Logue, 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.

June 10, 2026

By: Kara Philibin Date: 06/10/2026

**TRANSMITTED ELECTRONICALLY**

Randy Barrera  
Tilted Gate LLC  
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Wilmington, DE 19808  
randybarrera@google.com

**Re: Project Dazzler  
Permit - Intermediate  
Approval  
401 Wetlands  
Scioto  
DSW401262431W**

Subject: Project Dazzler  
Scioto County / Franklin Furnace  
Grant of Isolated Wetland Permit  
Ohio EPA ID No. 262431W

Dear Stakeholders:

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

Ohio Isolated Wetland Permit

Pursuant to Ohio Revised Code Chapter 6111, I hereby conclude that the above-referenced project will comply with the applicable provisions of Ohio Revised Code Sections 6111.02 through 6111.028. This authorization is specifically limited to an Ohio Isolated Wetlands Permit (here after referred to as "permit") with respect to water pollution and does not relieve the Permittee of further Certifications or Permits as may be necessary under the law.

I have determined that a lowering of water quality in the Little Scioto-Tygarts watershed (HUC 05090103) as authorized by this permit is necessary. In accordance with ORC Section 6111.021(C), this permit shall serve as the state's 401 water quality certification to the extent that any of these waters are deemed jurisdictional under the Federal Water Pollution Control Act.

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

50 W. Town Street  
Suite 700  
Columbus, Ohio 43215 U.S.A.

614 | 644 3020  
epa.ohio.gov

A. Watershed Setting

The project is located in the Grays Branch – Ohio River watershed (HUC 05090103-01-07). The Ohio River is a warmwater habitat (WWH) stream and primary contact recreation water with an antidegradation category of general high-quality water.

The project is also located in the Ginat Creek watershed (05090103-01-06). Ginat Creek is a WWH stream and primary contact recreation water with an antidegradation category of general high-quality water.

B. Project Description

The applicant proposes to construct a state-of-the-art, hyperscale data center campus, providing a minimum of ±1.7 million square feet of data center building space, along with office/support buildings, equipment yards, an electrical substation, and other associated infrastructure.

C. Impacts

Impacts to isolated wetlands are as follows:

The project’s isolated wetland impacts include 10.24 acres of emergent, Category 1 wetlands, 0.27 acre of forested Category 1 wetlands, 5.46 acres of emergent Category 2 wetlands, and 7.94 acres of forested, Category 2 wetlands for a total of 23.91 acres.

Wetland ID	Isolated or Non-isolated	Forested or Non-Forested	Category	Total Acreage on Site	Permanent Acreage Impacted
Wetland AP	Non-isolated	Non-Forested	1	0.16	0.16
Wetland AQ	Non-isolated	Non-Forested	1	0.13	0.13
Wetland AR	Non-isolated	Non-Forested	1	0.11	0.11
Wetland AS	Non-isolated	Non-Forested	1	0.03	0.03
Wetland AT	Non-isolated	Non-Forested	1	0.09	0.09

<b>Wetland ID</b>	<b>Isolated or Non-isolated</b>	<b>Forested or Non-Forested</b>	<b>Category</b>	<b>Total Acreage on Site</b>	<b>Permanent Acreage Impacted</b>
Wetland AU	Non-isolated	Non-Forested	1	0.03	0.03
Wetland AV	Non-isolated	Non-Forested	1	0.16	0.16
Wetland AW	Non-isolated	Non-Forested	1	0.07	0.07
Wetland A	Non-isolated	Forested	2	0.52	0.52
Wetland B	Non-isolated	Forested	2	1.14	1.14
Wetland C	Non-isolated	Forested	2	2.42	1.67
		Non-Forested			0.75
Wetland D	Non-isolated	Non-Forested	1	2.77	2.77
Wetland E	Non-isolated	Non-Forested	1	0.56	0.56
Wetland F	Non-isolated	Forested	2	4.30	1.84
		Non-Forested			2.46
Wetland G	Non-isolated	Forested	1	0.90	0.17
		Non-Forested			0.73
Wetland H	Non-isolated	Forested	2	0.25	0.25
Wetland N	Non-isolated	Non-Forested	1	0.38	0.38
Wetland O	Non-isolated	Forested	2	0.78	0.78
Wetland R	Non-isolated	Non-Forested	1	0.24	0.24
Wetland S	Non-isolated	Forested	2	1.59	1.19
		Non-Forested			0.40
Wetland U/V	Non-isolated	Non-Forested	2	0.45	0.45
Wetland W	Non-isolated	Forested	2	1.51	0.11
		Non-Forested			1.40
Wetland Y	Non-isolated	Forested	2	0.11	0.11
Wetland AB	Non-isolated	Forested	2	0.19	0.19

Wetland ID	Isolated or Non-isolated	Forested or Non-Forested	Category	Total Acreage on Site	Permanent Acreage Impacted
Wetland AC	Non-isolated	Forested	2	0.14	0.14
Wetland AF	Non-isolated	Forested	1	0.26	0.10
		Non-Forested			0.16
Wetland AG	Non-isolated	Non-Forested	1	1.66	1.66
Wetland AH	Non-isolated	Non-Forested	1	0.36	0.36
Wetland AJ	Non-isolated	Non-Forested	1	0.15	0.15
Wetland AK	Non-isolated	Non-Forested	1	0.87	0.87
Wetland AL	Non-isolated	Non-Forested	1	0.06	0.06
Wetland AM	Non-isolated	Non-Forested	1	0.86	0.86
Wetland AN	Non-isolated	Non-Forested	1	0.66	0.66
Wetland I	Non-isolated	Non-Forested	3	5.95	0.00
Wetland J	Non-isolated	Non-Forested	2	0.22	0.00
Wetland K	Non-isolated	Non-Forested	2	0.47	0.00
Wetland L	Non-isolated	Non-Forested	3	0.31	0.00
Wetland T	Non-isolated	Non-Forested	1	0.16	0.00
Wetland X	Non-isolated	Non-Forested	2	0.12	0.00
Wetland AD	Non-isolated	Non-Forested	1	0.01	0.00
Wetland AE	Non-isolated	Non-Forested	1	0.84	0.00
Wetland AX	Non-isolated	Non-Forested	2	0.26	0.00
Totals				<b>32.25</b>	<b>23.91</b>

The proposed project’s permanent jurisdictional wetland impacts include 1.07 acres of emergent, Category 2 wetland and 2.05 acres of forested, Category 2 wetland for a total of 3.12

acres. Permanent wetland impacts will result from filling and grading. Please note that the jurisdictional wetland impacts listed in this permit are for informational purposes only; the jurisdictional wetland impacts are authorized under Ohio EPA permit #252253A1.

Wetland ID	Isolated or Non-isolated	Forested or Non-Forested	Category	Total Acreage on Site	Permanent Acreage Impacted
Wetland M	Non-isolated	Non-Forested	2	0.61	0.00
Wetland P	Non-isolated	Forested	2	3.35	2.05
		Non-Forested			1.07
Wetland Q	Non-isolated	Non-Forested	1	1.12	0.00
Wetland AA	Non-isolated	Non-Forested	2	0.38	0.00
Wetland AI	Non-isolated	Non-Forested	2	0.50	0.00
Wetland AO	Non-isolated	Non-Forested	3	17.22	0.00
Totals				<b>23.18</b>	<b>3.12</b>

**PART II TERMS & CONDITIONS**

- A. This permit shall remain valid and in effect for a period of 5 years from the date of issuance.
- B. Terms and conditions outlined in this section apply to project construction as described in this permit.
- C. The Permittee shall notify Ohio EPA, in writing, and in accordance with *Part IV (NOTIFICATIONS TO OHIO EPA)* of this permit, upon the start and completion of site development and mitigation construction.
- D. A copy of this permit shall remain on-site for the duration of the project and mitigation construction activities.
- E. In the event of an inadvertent spill, the Permittee 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. This project may affect the drinking water wells for the City of Portsmouth. Precautions must be taken to limit any effect on the water supply. Officials at the City of Portsmouth must be notified before beginning the project and activities shall be coordinated with them. Contact information for local water authorities may be obtained by contacting Ohio EPA's Division of Drinking and Groundwater at: <http://epa.ohio.gov/ddagw/pws#113432742-resources> or 614-644-2752.
- H. Pesticide application(s) for the control of plants and animals shall be applied in accordance with the NPDES General Permit to Discharge Pesticides In, Over or Near Waters of the State available at: <https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/permits/OHG870003.pdf> and may require a pesticide applicator license from the Ohio Department of Agriculture.
- I. Any authorized representative of the director shall be allowed to inspect the authorized activity at reasonable times to ensure that it is being or has been accomplished in accordance with the terms and conditions of this permit.
- J. In the event that there is a conflict between the permit application, including the mitigation plan, and the conditions within this permit, the condition shall prevail unless Ohio EPA agrees, in writing, that the permit application or other provision prevails.
- K. The Permittee shall provide electronic maps of the development to Ohio EPA 401 WQC and Isolated Wetland Permitting Section within 30 days of the date of this permit. When sending the electronic files, include the Ohio EPA ID Number and the Army Corps of Engineers Number (if applicable). If possible, these electronic maps shall be GIS shape files or Geodatabase files. If this is not possible, the electronic maps shall be in another electronic format readable in GIS (GIF, TIF, etc). The electronic files shall be sent to the following e-mail address: [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), they shall be sent using the following file share link: <https://fileshare.epa.ohio.gov/filedrop/401Wetlands>.
- L. This proposal may require other permits from Ohio EPA. For information concerning application procedures, contact the Ohio EPA District Office as follows:

Ohio Environmental Protection Agency  
Southeast District Office  
740-385-8501

**Additional information regarding environmental permitting assistance at Ohio EPA can be found at <https://epa.ohio.gov/stay-compliant/get-help/permit-assistance>.**

M. Best Management Practices (BMPs)

1. All water resources and their buffers which are to be avoided shall be clearly indicated on site drawings, demarcated in the field and protected with suitable materials (e.g., silt fencing) prior to site disturbance. These materials shall remain in place and be maintained throughout the construction process.
2. All BMPs for stormwater 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 stormwater discharges associated with construction activities (construction general permit), if required.

A copy of the Rainwater and Land Development Manual is available at:  
<https://epa.ohio.gov/wps/portal/gov/epa/divisions-and-offices/surface-water/guides-manuals/rainwater-and-land-development>

A copy of the NPDES construction general permit is available at:  
<https://dam.assets.ohio.gov/image/upload/epa.ohio.gov/Portals/35/permits/OHC000006.pdf>

3. Straw bales shall not be used as a form of erosion/sediment control.
4. Fill material 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 (CCA) 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.

### **PART III MITIGATION**

#### A. Description of Required Mitigation

As mitigation for 23.91 acres of wetland impact including 10.24 acres of emergent, Category 1 wetlands, 0.27 acre of forested Category 1 wetlands, 5.46 acres of emergent Category 2 wetlands, and 7.94 acres of forested, Category 2 wetlands, the permittee shall purchase 25.3 credits from Red Stone Farm wetland mitigation bank located in Pike County with a service area that includes the Little Scioto-Tygarts watershed (HUC 05090103). Also, for the above listed wetland impacts, the permittee shall purchase 28.1 credits from Stream + Wetlands Foundation's In-lieu fee program located in Scioto County within the Little Scioto-Tygarts watershed (HUC 05090103).

#### B. Timing of Mitigation Requirements

1. Within 30 days of the date of permit, a copy of the fully executed mitigation bank agreement and a fully executed in-lieu fee program agreement with Red Stone Farm and Stream + Wetlands 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.**

#### C. Reporting

##### 1. Annual Update Reports

A project update report shall be submitted to Ohio EPA by December 31 of each year following the date of this permit until the project 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. During the SWPPP inspections, observations of the entire wetland setback For Wetlands I, J, K, L, and AO will be made and any signs of negative effects from construction, such as sedimentation, encroachment or other inadvertent disturbance will be noted and photo-documented in the annual report.
- c. Photos will be taken at no fewer than six fixed observation points along the southwestern boundary of Wetland AO, and no fewer than 12 fixed observation points around the Wetland I/J/K/L complex; these photos will be included in the annual report.
- d. If any indirect impacts are observed within Wetlands I, J, K, L, and/or AO, the applicant will coordinate with and submit a contingency plan to the Ohio EPA to remedy the indirect impacts.
- 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, and project construction manager(s).

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

All notifications and reports regarding this permit shall be uploaded using the "**View Compliance**" action for the corresponding certification and/or permit through the 401 service in the Ohio EPA eBusiness Center.

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,



John E. Logue  
Director

ec: Kayla Osborne, [kayla.n.osborne@usace.army.mil](mailto:kayla.n.osborne@usace.army.mil), Department of the Army,  
Huntington District, Corps of Engineers  
Brian Bridgewater, [brian.l.bridgewater2@usace.army.mil](mailto:brian.l.bridgewater2@usace.army.mil), Department of the Army,  
Huntington District, Corps of Engineers  
U.S. EPA, Region 5, [R5Wetlands@epa.gov](mailto:R5Wetlands@epa.gov)  
U.S. Fish & Wildlife Service, Ohio Ecological Services Field Office, [Ohio@fws.gov](mailto:Ohio@fws.gov)  
Mike Pettegrew, [mike.pettegrew@dnr.ohio.gov](mailto:mike.pettegrew@dnr.ohio.gov), ODNR, Office of Real Estate  
Ohio State Historic Preservation Office, Section 106, [section106@ohiohistory.org](mailto:section106@ohiohistory.org)  
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401/Wetlands/Mitigation Section  
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Coordinator

Lisa Cochran, [lisa.cochran@epa.ohio.gov](mailto:lisa.cochran@epa.ohio.gov), Ohio EPA, PIC

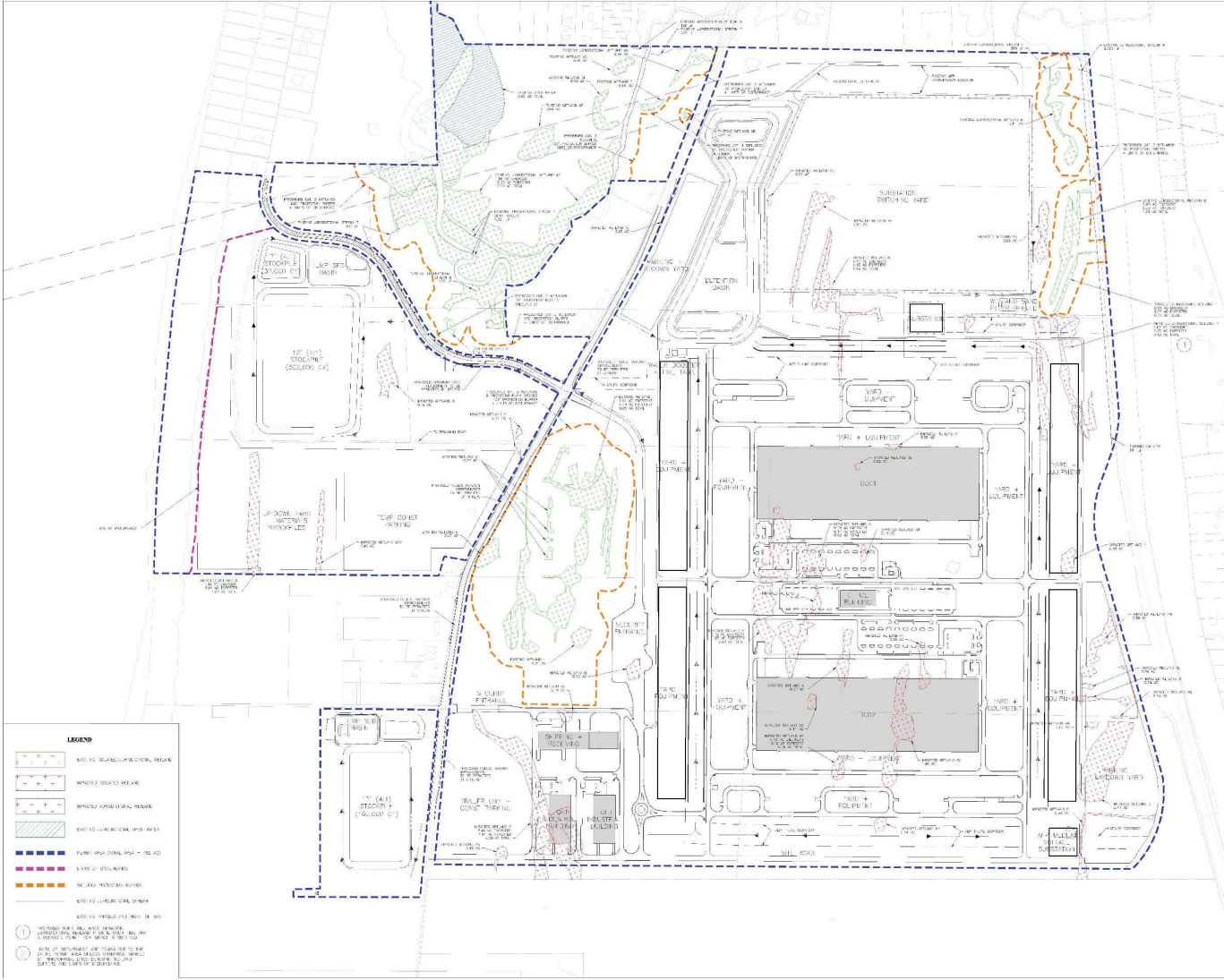
Marco Deshaies, [Marco.Deshaies@epa.ohio.gov](mailto:Marco.Deshaies@epa.ohio.gov), Ohio EPA, SEDO

Vince Messerly, [vmesserly@streamandwetlands.org](mailto:vmesserly@streamandwetlands.org), Stream + Wetlands Foundation

Drausin Wulsin, [dfwulsin@gmail.com](mailto:dfwulsin@gmail.com), Wulsin Land Partnership

Heather Dardinger, [hdardinger@emht.com](mailto:hdardinger@emht.com), EMH&T

Attachments:           Project Impact Map  
                              Response to Comments



**LEGEND**

- WETLANDS - FUNCTIONAL, BELIEVED
- WETLANDS - BELIEVED
- WETLANDS - HISTORICAL
- WETLANDS - UNDESIGNATED
- PLANNING AREA BOUNDARY - PD 200
- EXISTING STUDY BOUNDARY
- BELIEVED WETLAND BOUNDARY
- WETLANDS - HISTORICAL BOUNDARY
- WETLANDS - BELIEVED BOUNDARY

1. UNDESIGNATED WETLANDS ARE BELIEVED TO BE PRESENT IN THE STUDY AREA. THESE ARE NOT TO BE CONSIDERED AS A BASIS FOR DESIGN OR CONSTRUCTION.

2. WETLANDS ARE BELIEVED TO BE PRESENT IN THE STUDY AREA. THESE ARE NOT TO BE CONSIDERED AS A BASIS FOR DESIGN OR CONSTRUCTION.



Division of Surface Water  
Response to Comments

**Project: Project Dazzler (Tilted Gate LLC) Isolated Wetland Permit and 401 Water Quality Certification**  
**Ohio EPA ID #: 252253A1 and 262431W**

**Agency Contacts for this Project**

Division Contact: Matt Lamoreaux, DSW, 614.644.2327, [matthew.lamoreaux@epa.ohio.gov](mailto:matthew.lamoreaux@epa.ohio.gov)  
Public Information Officer: Lisa Cochran, 614.644.2160, [lisa.cochran@epa.ohio.gov](mailto:lisa.cochran@epa.ohio.gov)

Ohio EPA held a public hearing on May 6, 2026, regarding a data center project. This document summarizes the comments and questions received during the public hearing and the associated comment period, which ended on May 13, 2026.

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.

To help you review this document, the questions are grouped by topic and organized in a consistent format.

Deny or Delay Permit

**Topic 1:** **Over a third of the comments were requests for Ohio EPA to deny the issuance of the Isolated Wetland Permit (IWP) and/or the 401 Water Quality Certification (WQC).**

**Response 1:** While we appreciate community feedback, Ohio EPA must issue permits that comply with Ohio's environmental laws and regulations. The draft IWP and 401 WQC do meet those requirements.

**Topic 2:** **Several commentors requested an additional public hearing.**

**Response 2:** The Agency considered this request, given the public interest in the project. Based on questions asked and comments provided during the May 6 hearing, Ohio EPA determined one public hearing was sufficient for the topics of the IWP and 401 WQC. There will be additional opportunities for the public to engage and comment on the project for other Ohio EPA permits, such as the air permit.

**Topic 3:** **Several commentors requested delaying the issuance of the IWP and/or 401 WQC for additional time for public comments.**

**Response 3:** After reviewing the application and submittals, Ohio EPA determined the project complies with all required Ohio EPA IWP and 401 WQC rules and laws and meets water quality standards. Therefore, there would be no reason to delay or deny the IWP or WQC issuance.

Wetland, Ecological, and Habitat Impacts

**Topic 4:** **Multiple commentors expressed concerns about habitat loss for amphibians, birds, and plants due to the proposed wetland impacts, and the loss of overall ecological function of the wetlands.**

**Response 4:** Based on Ohio EPA's antidegradation review of both the IWP and 401 WQC applications, the project is socially and economically beneficial. Any ecological and habitat loss of the on-site wetlands will be offset by purchasing mitigation bank and in-lieu fee program wetland credits, including wetlands constructed within the same HUC-8 watershed. The statutory mitigation ratios require creating more than double the acreage to replace impacted wetlands.

**Topic 5:** **One commentor was concerned that mitigation cannot replace natural wetland function.**

**Response 5:** Each wetland mitigation bank and wetland in-lieu fee project is extensively reviewed by Ohio's Interagency Review Team (IRT), which includes Ohio EPA and four other federal and state agencies. The IRT ensures that the banks and in-lieu fee projects comply with the 2008 Federal Mitigation Rule with the goal of "no net loss" of wetland acreage and function.

Flooding, Drainage, Hydrology, and Stormwater

**Topic 6:** A couple commentors noted part of the proposed development will occur within the Ohio River 100-year floodplain and were concerned with loss of floodplain storage.

**Response 6:** Based on the applicant's flood hazard impact analysis report, the project's post-construct elevation does not exceed Ohio River 100-year floodplain elevation. Also, the Scioto County Engineer's Office approved the floodplain permit application.

**Topic 7:** Several commentors raised concerns about increased stormwater runoff affecting adjacent homes, roads, and other nearby infrastructure.

**Response 7:** Ohio EPA reviewed the project's preliminary stormwater management report (SWMR). According to this report, the post-development peak flow rates do not exceed the pre-development flow rates for detention.

**Topic 8:** One commentor was concerned with hydrology changes along Raike Lane and Gallia Pike, and several commentors asked for a hydrology and hydraulic analysis for the site and surrounding area.

**Response 8:** Please see Responses 6 and 7 above. The applicant assessed the project's impact on the hydrology and hydraulics as part of the flood hazard impact analysis report. Post-construction flow rates are determined to be at or below pre-construction baseline flow rates.

**Topic 9:** Multiple commentors expressed concerns about water drainage changes along adjacent roadways and requested a detailed hydrological analysis.

**Response 9:** Please see Responses 6 and 7 above.

Water Quality and Pollution

**Topic 10:** Several commentors expressed concern about potential contamination of the Ohio River and other local waterways from the construction and operation of this project.

**Response 10:** Ohio EPA reviewed the project's stormwater pollution prevention plan (SWPPP). Stormwater runoff will be handled by installing post-construction stormwater controls and using best management practices for controlling erosion, sediment, and other pollutants onsite. The current plan is for the project's wastewater to be treated by Scioto County at a future wastewater treatment plant.

**Topic 11:** A couple commentors raised concerns about cumulative environmental impacts from this project in addition to existing industrial facilities.

**Response 11:** The wetland antidegradation review requires an alternatives analysis for proposed impacts that includes avoidance, minimization, and compensatory mitigation. Also, the required mitigation ratios in Ohio Revised Code (ORC) and Ohio Administrative Code (OAC) are designed to maintain no net loss of wetlands within the watershed.

Air, Noise, and Light Pollution

**Topic 12:** Several commentors mentioned concerns with air pollution, specifically from the diesel backup generators.

**Response 12:** Air pollution is not part of the IWP or the 401 WQC review; however, the project will need to obtain an air permit from Ohio EPA's Division of Air Pollution Control through a separate application and permitting process

**Topic 13:** Multiple commentors had concerns with noise level and infrasound.

**Response 13:** Ohio EPA does not have rules or regulations that address noise level or infrasound. Typically, these items are regulated at a local level.

Traffic, Roadway Access, and Utility Conflicts

**Topic 14:** Several commentors had concerns with the project's potential impact on Raike Lane access, utility congestion and insufficient right-of-way for the Gallia Pike widening, and road safety during construction.

**Response 14:** Ohio EPA does not have rules or regulations that address these issues. Typically, these items are regulated at a local level.

#### Cultural and Historic Impacts

**Topic 15:** A couple commentors raised concerns about potential impacts to cultural and historic resources, specifically to Dudit Cemetery.

**Response 15:** Ohio EPA does not have rules or regulations that address these issues. The U.S. Army Corps of Engineers has discretion to review impacts to cultural resources during its 404 permit (water quality) review.

#### Socio-economic Impacts

**Topic 16:** A couple commentors questioned the economic benefit of the project and the number of jobs created.

**Response 16:** According to the applicant's antidegradation analysis, the project is estimated to create 200 permanent jobs and up to 500 temporary jobs during the construction of the site, along with providing local and state payroll tax revenue.

**Topic 17:** A couple commentors expressed concern that the project will financially impact Holiday Point Marina.

**Response 17:** Based on review of the applicant's flood hazard impact analysis report, SWMR, and SWPPP, downstream impacts aren't anticipated due to construction or operation of the project.

#### Antidegradation Review

**Topic 18:** One commentor stated that the application is deficient because they did not follow the wetland mitigation hierarchy in ORC 6111.024.

**Response 18:** The National Research Council concluded in their 2001 critique of compensatory mitigation that third-party options such as mitigation banks and in-lieu fee providers offer advantages to permittee responsible mitigation, such as a consensus-driven, interagency review process. Banks and in-lieu fee programs are also more likely to meet performance goals and more likely to be protected/preserved long-term.

**Topic 19:** One commentor stated that the application is insufficient because the applicant does not provide a non-degradation alternative in the antidegradation analysis.

**Response 19:** Ohio's water quality rules pertaining to wetlands do not require an applicant to provide a non-degradation alternative as part of their alternative analysis. Rule 3745-1-05 requires a non-degradation alternative, but 401 WQC review is exempt. Furthermore, OAC 3745-32-03 requires applicants to describe their alternatives and provide diagrams and cost information according to federal guidelines in 40 C.F.R. Part 230, however those federal guidelines do not require an alternative option for non-degradation.

**End of Response to Comments**