



Improving the quality of life

REGULATED SURFACE WATERS: AN INTRODUCTION

OHIO COMMUNITY DEVELOPMENT CONFERENCE

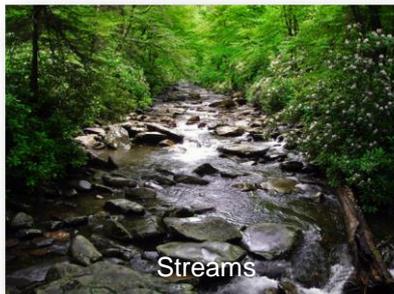
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SURFACE WATER RESOURCES

- What are regulated surface water resources?

- > Wetlands, streams, ditches, ponds, lakes



Streams



Wetlands

Photos by: ODOT OES



Ponds



Ditches



Lakes

Photos by: ODOT OES

SURFACE WATER REGULATIONS

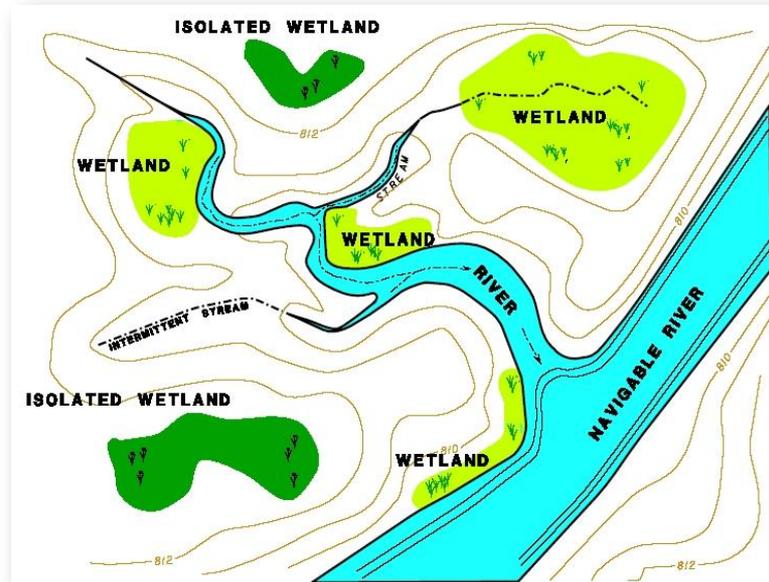


- > Clean Water Act
 - Regulates surface water resources that meet the definition of Waters of the United States
 - US Army Corps of Engineers (USACE): 404 Program
 - Ohio Environmental Protection Agency (OEPA): 401 Program (Water Quality Certification)
- > Ohio House Bill 231: Isolated Wetland Law
 - OEPA



**US Army Corps
of Engineers®**





Graphic Source: ODOT OES



SURFACE WATER REGULATION

- ⦿ All Surface Waters are protected by law. However, approximately
 - > 100% of wetlands are routinely regulated by the resource agencies
 - > 99% of streams are routinely regulated by the resource agencies
 - > 55% of ponds are routinely regulated by the resource agencies
 - > 20% of ditches are routinely regulated by the resource agencies



DITCHES

- **Ditches**
 - > Water conveyances; from grassy swales to captured streams, that possess a constructed defined channel and convey water
- **Regulated Ditches**
 - > Regulated ditches typically flow for at least three continuous months each year and contain an ordinary high water mark (OHWM)
 - > OHWM includes destruction of terrestrial vegetation, clear bed and bank, natural lines, impressions on banks



Example of a ditch that is not a regulated resource. It is grass lined, and does not have a defined Ordinary High Water Mark

PERMITTING



- ALL impacts to regulated surface waters require some level of permitting
- Regulatory agencies can have additional requirements for cultural resources and endangered species that may be necessary before they can issue a permit, so plan ahead!
- USACE
 - > Nationwide Permits (plan for 90 days)
 - > Individual 404 Permits (plan for 6 months to 1 year)
- OEPA
 - > Isolated Wetland Permitting (plan for 90-180 days depending on acres of impact)
 - > Individual 401 Water Quality Certifications (plan for 6 months to 1 year)



◦ Questions?