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Ohio EPA Issues General Permit for Impacts to Ephemeral Streams

Ohio EPA is announcing the availability of a general permit that will be available to applicants for projects that impact ephemeral streams.

The state agency developed the general permit as a mechanism for authorizing impacts to ephemeral streams from fill activities in response to U.S. EPA's recently finalized Navigable Waters Protection Rule. The new federal rule removes certain waters from federal jurisdiction under the Clean Water Act, including ephemeral streams and certain isolated wetlands. States retain the authority to determine oversight of these non-jurisdictional waters in ways that best protect their natural resources and local economies.

The general requirements that have historically been applicable to projects that impact ephemeral streams when these resources were under federal jurisdiction are included under the state permit, including pre-notification, site restoration and mitigation requirements for permanent impacts. The general permit does not include new or additional requirements for ephemeral streams. In addition, the draft general permit will serve as a streamlined and efficient permit mechanism for applicants.

It is estimated that there are more than 36,000 miles of ephemeral streams throughout Ohio. While they do not flow continuously, these streams are important to aquatic ecosystems because they help control run-off and erosion, reduce flooding potential and help filter pollutants. Channel-like features on the land surface created by water erosion that are not tributaries, such as agricultural ditches, roadside ditches, and grass swale waterways would not meet the definition of ephemeral streams.

Ohio EPA has historically used state permitting authority to regulate impacts to isolated wetlands and will continue to maintain an isolated wetland permitting program.

The new general permit, along with responses to public comments Ohio EPA received during development of the permit, are available on [Ohio EPA's website](#).

Issuance of final permit can be appealed to the [Ohio Environmental Review Appeals Commission](#) (ERAC). Appeals generally must be filed within 30 days of issuing a final action; therefore, anyone considering filing an appeal should contact ERAC at (614) 466-8950 for more information.