



Ohio EPA 01/16/2026

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.

January 16, 2026

By: Kara Philibin Date: 01/16/2026

TRANSMITTED ELECTRONICALLY

Re: Arsenal-1 Hyperscale Manufacturing Facility
Permit - Intermediate
Approval
401 Wetlands
Pickaway
DSW401252055A

James Holmes
W-CTR Scarbrough Land Holdings VIII, LLC
4343 Von Karman Ave
Newport Beach, CA 92660
randerson@ctrinvestors.com

Subject: Arsenal-1 Hyperscale Manufacturing Facility
Pickaway County / Madison Township / Village of Ashville
Grant of a Section 401 Water Quality Certification
Corps Public Notice No. LRH-2025-467-SCR-Unnamed tributary Walnut
Creek
Ohio EPA ID No. 252055A

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 Upper Scioto watershed (HUC 05060001) 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(j).

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

614 | 644 3020
epa.ohio.gov

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. Watershed Setting

The project is located in the Big Run – Walnut Creek Watershed (HUC 05060001-18-05). Walnut Creek has a designated aquatic life use of warmwater habitat (WWH) and primary contact recreation water.

B. Project Description

The proposed project is the development of an industrial manufacturing facility consisting of five warehouse buildings, one office hub building, associated parking lots, loading dock areas, facility access roads, campus recreational space, and stormwater retention ponds.

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

The proposed project will result in permanent impacts to a total of 2,696.4 linear feet of two (2) unnamed, perennial streams. Impacts include relocation of 2,635.4 linear feet of Stream 1 and culverting of 61 linear feet of Stream 2.

Stream ID	Designated Use	Type* E, I, or P	Habitat Assessment Method	HHEI or QHEI Score*	Total Length on Site (LF)	Impact Type	Total Length Impacted (LF)
Stream 1	Undesignated	P	QHEI	35.5	4047.0	Culvert	1354.0
						Relocation	1281.4
Stream 2	Undesignated	P	HHEI	61.0	949.6	Culvert	61.0
Totals					4996.6		2696.4

*As provided by applicant

2. Wetlands

The proposed project will result in permanent impacts to a total of 5.70 acres of eleven (11) jurisdictional, category 2 wetlands. Impacts will result from grading and filling of the site to construct the project as designed.

Wetland ID	Isolated or Non-isolated	Forested or Non-Forested	Category	Total Acreage on Site	Permanent Acreage Impacted
Wetland A	Non-isolated	Forested	2	0.155	0.155
Wetland B	Non-isolated	Forested	2	0.013	0.013
Wetland C	Non-isolated	Forested	2	0.030	0.030
Wetland D	Non-isolated	Forested	2	0.051	0.051
Wetland E	Non-isolated	Forested	2	0.496	0.496
Wetland F	Non-isolated	Forested	2	0.199	0.199
Wetland G	Non-isolated	Forested	2	0.038	0.038
Wetland H	Non-isolated	Forested	2	3.443	3.443
Wetland I	Non-isolated	Forested	2	0.150	0.150
Wetland J	Non-isolated	Non-forested	2	1.084	1.084
Wetland K	Non-isolated	Non-forested	2	0.130	0.041
Totals				5.789	5.700

3. Lakes

Impacts to lakes are not authorized under this certification.

PART II TERMS & CONDITIONS

Granted with Conditions (40 CFR 121.7(d)) 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(j), 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 or seven years from the date of this certification, whichever occurs earlier.
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. This project is unlikely to affect the drinking water wells or potable water intakes for any nearby public water systems. However, precautions must be taken to limit any effect on the water supply. Officials at Buckeye Trails must be notified before beginning the project and activities shall be coordinated with them. Officials can be contacted at: 484-332-6213 or jfenstermaker@havenparkmgmt.com. **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, and Section 303 of the Clean Water Act.**
- 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.
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.

- 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 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.
- J. 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.
- K. 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), 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 (<https://epa.ohio.gov/about/districts>) as follows:

Ohio Environmental Protection Agency
Central District Office
614-644-3020

Additional information regarding environmental permitting assistance at Ohio EPA can be found at <https://epa.ohio.gov/divisions-and-offices/directors-office/regulatory-permitting-assistance>

M. 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, snow fencing, signage, etc.) 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 and turbidity of aquatic resources, 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:

<https://epa.ohio.gov/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. To reduce sedimentation and turbidity of aquatic resources, straw bales shall not be used as a form of erosion/sediment control.
4. To reduce sedimentation and turbidity of aquatic resources, fill material shall consist of suitable non-erodible material and shall be stabilized to prevent erosion.
5. To protect the water quality of aquatic resources, 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. To reduce sedimentation of aquatic resources and increased turbidity, 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. To protect the water quality of aquatic resources, chemically treated lumber which may include, but is not limited to, chromated copper arsenate and creosote treated lumber shall not be used in structures that come into contact with waters of the state.
8. 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.
9. 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 and the stream bottom restored to pre-construction elevations to the maximum extent practicable.
10. Once per month, an ecologist from Verdantas will inspect the avoided areas of Wetland K to check that BMPs remain intact and that avoided areas remain undisturbed.
11. Culverts
 - a. Stream culverts shall be installed and designed at the streambed slope to allow for the natural movement of aquatic organisms and bedload to form a stable bed inside the culvert to minimize effects to aquatic species.
 - b. The culvert base or invert with the substrate shall be installed below the sediment to allow natural channel bottom to develop and to be retained to protect the water quality of aquatic resources.
 - c. The channel bottom substrate shall be similar to and contiguous with the immediate upstream and downstream reaches of the stream. The culvert shall be designed and sized to accommodate bankfull discharge and match the existing depth of flow to facilitate the passage of aquatic organisms.
 - d. Where culverts are installed for temporary crossings, the bottom elevations of the stream shall be restored as nearly as possible to pre-project conditions to protect the water quality of aquatic resources.
 - e. Roadway crossings over Streams 1 and 2 will utilize 3-sided box culvert structures and a concrete bridge span, where practicable, to minimize impacts, except as otherwise indicated on Alternative 3 provided to the OEPA and attached to this permit.

N. 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. If native mussels and/or mussel beds, not previously identified, are encountered at any time during construction or dredging activities, work must cease immediately and the Ohio Department of Natural Resources' Division of Wildlife must be contacted for further evaluation to minimize effects to the species.

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 5.700 acres of wetland impact including 4.575 acres of forested category 2 wetlands and 1.125 acres of non-forested category 2 wetlands, the certification holder shall purchase 6.70 forested credits and 2.10 non-forested credits from Sunfish Mitigation Bank located in Morrow County and 5.10 forested credits from the Upper Scioto Mitigation Bank located in Union County, both within the Upper Scioto Watershed (HUC 05060001).

As mitigation for 2696.4 linear feet of impact to two (2) perennial streams, the certification holder shall purchase 2703.0 credits from Sunfish Mitigation Bank located in Morrow County within the Upper Scioto watershed (HUC 05060001).

B. Timing of Mitigation Requirements

Within 30 days of the date of certification, copies of the fully executed mitigation bank agreements with Sunfish Mitigation Bank and Upper Scioto Mitigation Bank 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/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. 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 and consultant.
- c. As-built drawings sized 11" by 17" (to scale) of each of the mitigation areas, once construction is complete.

PART IV STREAM RELOCATION AND MONITORING

A. Description of Required Relocation and Monitoring

To ensure minimal degradation to water quality post-construction, the certification holder shall implement the November 26, 2025 Stream Relocation and Monitoring Plan. Monitoring of the relocated stream channel shall occur for two (2) years post-construction and shall include evaluations of channel stability and flow regime.

B. Annual Relocation Monitoring Reports

1. The stream relocation monitoring period shall commence immediately following completion of stream relocation and shall continue through a two year monitoring period, except as provided for in the contingency plan.
2. Annual stream relocation monitoring reports shall be submitted to Ohio EPA by December 31 of the first full year following the end of the first full growing season and completion of stream relocation. All subsequent reports shall be submitted by December 31st of each of the monitoring years.
3. Each annual report shall contain the current contact information for the certification holder and agent including phone number, e-mail, and mailing addresses.
4. Each annual report shall clearly identify the specific monitoring period the report is intended to represent, as well as the calendar year the monitoring occurred. The

report shall also provide a summary of current relocation status, which compares the previous years' information with the current report including graphs and tables showing trends, etc.

5. Each annual report shall include a cover letter. The cover letter shall identify the status of the relocation project and identify any items needing immediate attention or questions for the regulatory agencies.
6. The first monitoring report shall contain a full copy of the final U.S. Army Corps of Engineers 404 permit for the project.
7. Each annual monitoring report shall contain a list of species planted in all mitigation areas.
8. The first year report shall include plan views and cross sections of the as-built stream relocation area including the location and types of planting.
9. Each annual report shall include photographs to be collected as follows:
 - i. An adequate number of fixed observation points shall be selected, with no fewer than three fixed observation points, to provide representative overviews of the stream relocation. The use of stakes with unique numbers to designate photo locations is recommended.
 - ii. Photographs shall be taken from these points at the same position and angle during the growing season of each monitoring year. The fixed observation points shall be marked on the base map.
 - iii. Additional photographs of areas of interest shall be marked on the base map and provided in each monitoring report.

C. Monitoring Requirements

1. Stream Stability

An overall visual assessment, stream drawing, and photo documentation of channel dimensions will be performed. Stabilized areas will be inspected visually and photographed to evaluate performance. Natural buffers will be inspected for disturbance and for placement of appropriate signage.

2. Flow Regime

An overall visual assessment and photo documentation of the functioning flow regime will be performed to evaluate performance.

D. Performance Goals

1. Stream Stability

All fill materials will be fully removed from the created stream channel upon completion of construction. The stream channel will be contoured to design specifications. Stream banks and natural buffers will be seeded with native seed mix and stabilized with appropriate sediment controls (mulch, straw, or similar). Signage will be installed to demarcate natural buffers and prevent mowing.

2. Flow Regime

The relocated stream will retain a perennial flow regime, consistent with pre-impact conditions.

E. Contingency Plans

If the stream relocation areas are not performing as proposed by the end of the second year of post construction monitoring, the monitoring period may be extended and/or the Certification Holder may be required to revise the existing mitigation or seek out new or additional mitigation areas.

Ohio EPA may reduce or increase the number of years for which monitoring is required to be conducted based on the effectiveness of the mitigation

PART V NOTIFICATIONS TO OHIO EPA

All notifications and reports regarding this certification 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, 4th Floor
Columbus, Ohio 43215

Sincerely,



John E. Logue
Director

cc: Kayla Osborne, kayla.n.osborne@usace.army.mil, Department of the Army, Huntington District, Corps of Engineers
Brian Bridgewater, brian.l.bridgewater2@usace.army.mil, Department of the Army, Huntington District, Corps of Engineers
U.S. EPA, Region 5, R5Wetlands@epa.gov
U.S. Fish & Wildlife Service, Ohio Ecological Services Field Office, Ohio@fws.gov
Mike Pettegrew, mike.pettegrew@dnr.ohio.gov, ODNR, Office of Real Estate
Ohio State Historic Preservation Office, Section 106, section106@ohiohistory.org
Andrew Graves, andrew.graves@epa.ohio.gov, Ohio EPA, DSW, 401/Wetlands Section
Rachel Secrest, rachel.secrest@epa.ohio.gov, Ohio EPA, DSW, 401/Wetlands/Mitigation Section Supervisor
Jeff Boyles, jeffrey.boyles@epa.ohio.gov, Ohio EPA, DSW, 401/Wetlands/Mitigation Section Supervisor
Anna Kamnyev, anna.kamnyev@epa.ohio.gov, Ohio EPA, DSW, 401/Wetlands/Mitigation Section Manager
Andrea Kilbourne, Andrea.Kilbourne@epa.ohio.gov, Ohio EPA, DSW, Mitigation Coordinator
Chloe Welch, Chloe.Welch@epa.ohio.gov, Ohio EPA, DSW
Josh White, josh@waterlandsolutions.com, Water and Land Solutions
Wade Waltmyer, Wwaltmyer@earthbalance.com, Sandy Creek Partners, LLC
Helena Hayter, hhayter@verdantas.com, Verdantas LLC

Attachments: Project Impact Map
Site Location Map (project)

Response to Comments

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>

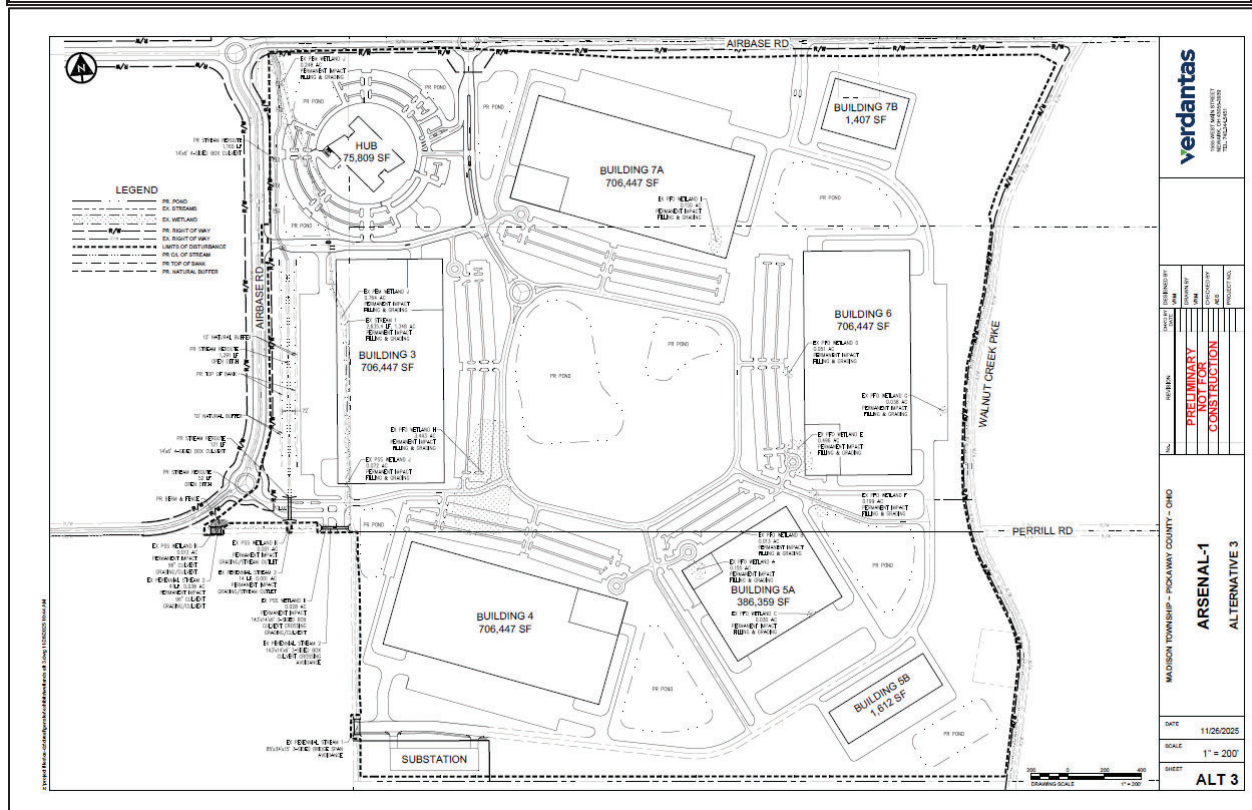


Figure 1: Project Impact Map

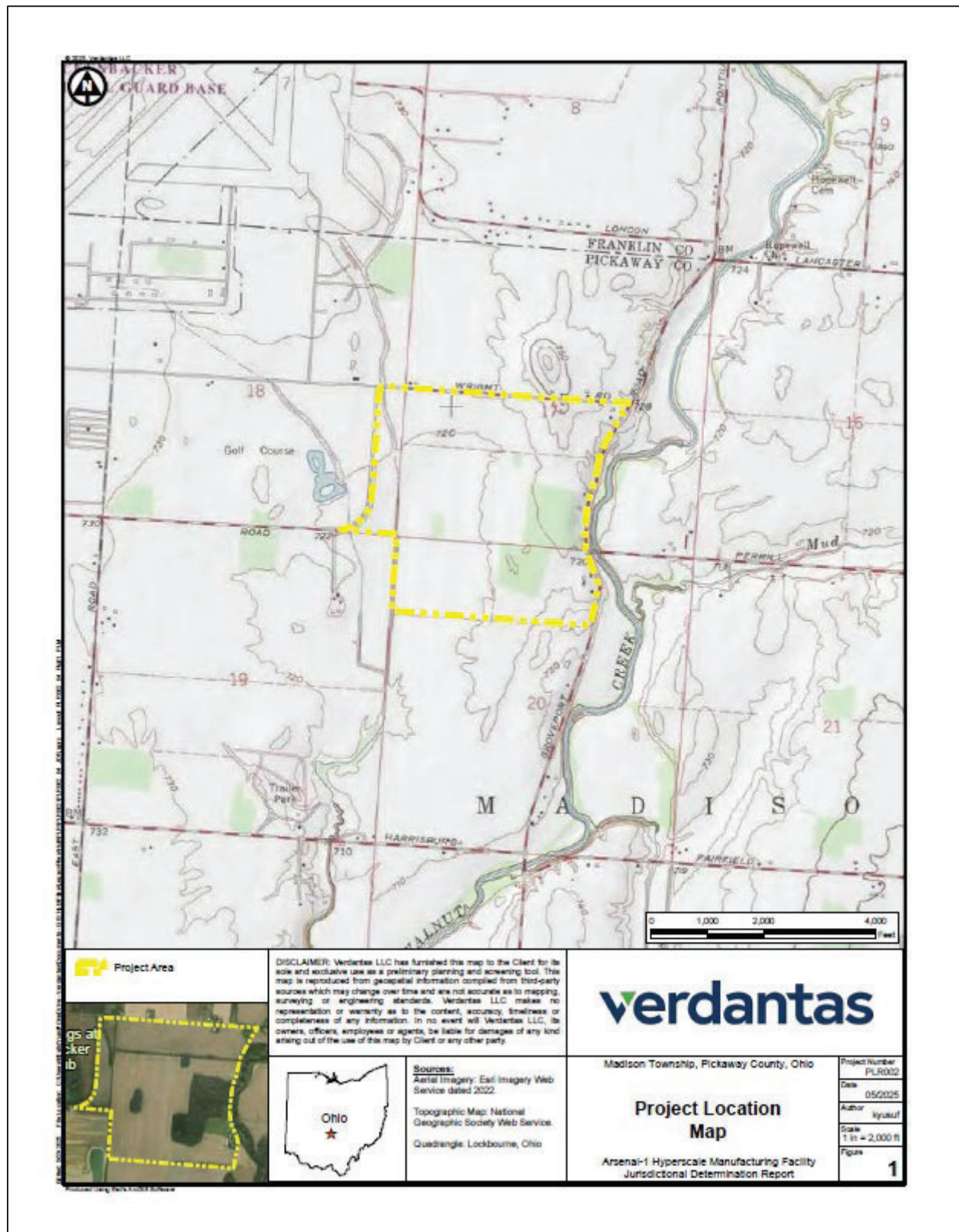


Figure 2: Site Location Map



**Environmental
Protection
Agency**

**Division of Surface Water
Response to Comments**

Project: Arsenal-1 Hyperscale Manufacturing Facility 401 WQC

Ohio EPA ID#: 252055A

Agency Contacts for this Project

Permit Reviewer: Andrew Graves, 614.728.2532, Andrew.Graves@epa.ohio.gov
Communications: Lisa Cochran, 614.644.2160, Lisa.Cochran@epa.ohio.gov

Ohio EPA held a comment period on October 21 – November 20 regarding a 401 Water Quality Certification application to construct an industrial manufacturing facility. This document summarizes the comments and questions received during the associated comment period, which ended on November 20, 2025.

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.

Delineation Area Concerns

Comment 1: Multiple commenters expressed concerns regarding an 86-acre parcel of land on the north side of the project area that appeared to have been missing from the original delineation report provided by Verdantas. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 1: While the May 2023 Surface Water Delineation Report did not include the 86-acre parcel in question, Verdantas performed a follow-up inspection of the parcel in 2024, which included five additional wetland determination data points and discovered no additional wetland acreage. Both the original delineation report and the additional wetland determination data points were submitted to the U.S. Army Corps of Engineers prior to their issuance of the June 10, 2025, Jurisdictional Determination.

Zoning Concerns

Comment 2: Multiple commenters had concerns regarding the re-zoning process for parcels of land within or adjacent to the project area. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 2: Ohio EPA does not have any regulatory authority over zoning. Zoning for this area is overseen by the Madison Township, Pickaway County Zoning Department.

Stormwater/Wastewater

Comment 3: Multiple commenters questioned the necessity of the number of retention basins within the project area. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 3: The applicant will be required to obtain all necessary permits from Ohio EPA's National Pollutant Discharge Elimination System (NPDES) and stormwater group prior to beginning project construction. The design and

capacity of all stormwater control features will be evaluated during these permit review processes.

Comment 4: Multiple commenters sought clarification regarding the purpose of the retention basins - specifically, what the basins will retain. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 4: Per Verdantas' December 4, 2025, response to Ohio EPA's Technical Comments Letter, on-site retention basins will be designed to manage stormwater runoff. As stated above, the applicant will be required to obtain all necessary permits from Ohio EPA's NPDES and stormwater group prior to initiating project construction.

Comment 5: Multiple commenters expressed concern that flooding could result in the spillover of retention pond contents into nearby streams and wetlands and that the placement of retention ponds should be reconsidered. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 5: The location and quantity of stormwater retention ponds will be evaluated as part of the NPDES and stormwater permitting required prior to construction.

Comment 6: One commenter suggested that the Stream 1 reroute pipe be lengthened to compensate for retention pond flooding/spillover concerns. (Buckeye Environmental Network)

Response 6: It is Ohio EPA's preference for relocated stream channels to be left as open channels whenever possible due to the ecological benefits that open stream channels have over buried/enclosed channels.

Comment 7: Multiple commenters were concerned about the project's potential impact on groundwater supply in the area. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 7: Groundwater usage does not fall within the purview of the 401 Water Quality Certification permitting program. However, Ohio EPA Division of Drinking and Ground Waters reviewed the application and concluded that it is unlikely that the project's impacts on streams and wetlands will affect water quality at a public water system's intake or well. The applicant's consultant has also provided the following comments regarding the proposed facility's water demand:

"A public water main is being extended around the perimeter of the site and will be designed in phases. The initial design will be in conjunction with the public improvements and will be reviewed and approved by the local AHJ and then submitted to the Ohio EPA for a water permit. That public water main will be tapped for water services (domestic and fire) for buildings as they are designed to be brought online."

"There will be an extension of the public main owned by Earnhart Hill. There are no other public water systems in the area, and they are not providing their own water. The OEPA Water Permit will be submitted by Verdantas on behalf of Earnhart Hill."

Cultural Resources

Comment 8: Multiple commenters expressed concerns regarding the potential impact of project construction on cultural resources in the area. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 8: While Ohio EPA does not have any regulatory authority over cultural resources, the U.S. Army Corps of Engineers is required to evaluate potential impacts to cultural resources as part of the federal permitting process.

Endangered Species

Comment 9: Multiple commenters stated that the project has potential for indirect mortality to threatened and endangered bat species. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 9: As part of the 401 Water Quality Certification permitting process, the applicant is required to coordinate with both the Ohio Department of

Natural Resources and U.S Fish and Wildlife Service regarding impacts to threatened or endangered species. Both agencies have reviewed the Mist Net Findings Report for the site and provided concurrence that the risk to these state-endangered bat species is low in the project area, and tree cutting during summer maternity season is not likely to result in direct mortality of these species.

Pollutants/Manufacturing Process

Comment 10: Some commenters expressed concerns regarding the manufacturing process and potential chemicals that may be released. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 10: The 401 Water Quality Certification only permits the applicant to discharge clean, hard fill into surface waters. The applicant will be required to obtain

any necessary permits from the appropriate agencies for any potential discharges that may result from the manufacturing process.

Comment 11: Multiple commenters expressed concern regarding potential air pollution effects from the facility. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 11: Effects on air quality do not fall within the purview of the 401 Water Quality Certification. The applicant will be required to obtain all necessary permits related to air quality from Ohio EPA's Division of Air Pollution Control.

General Concerns

Comment 12: Multiple commenters expressed concern regarding the loss of wetland and stream habitat that will occur because of the project. (Ohio Nuclear Free Network, Buckeye Environmental Network)

Response 12: As part of the 401 Water Quality Certification and Isolated Wetland permitting process, Ohio EPA requires that applicants provide compensatory mitigation for impacts to streams and wetlands that cannot otherwise be avoided. For this project, the applicant will be required to purchase 11.8 acres of forested wetland mitigation credit, 2.1 acres of non-forested wetland mitigation credit, and 2,703 linear feet of stream mitigation credit within the Upper Scioto Watershed (HUC 05060001) prior to impacting any of the surface water features on the project site. In addition to the compensatory mitigation outlined above, the applicant has revised the original project design to allow a large portion of relocated Stream 1 to remain as an open channel with protected buffers, rather than culverting.

Comment 13: **Some commenters were concerned that construction may be occurring prior to permit issuance. (Ohio Nuclear Free Network, Buckeye Environmental Network)**

Response 13: Ohio EPA was made aware of news articles alleging that project construction had begun at the site prior to permit issuance. Ohio EPA confirmed with the applicant and consultant that no impacts to water resources on the site have occurred prior to permit issuance. One bridge span has been installed over a stream on the site. The installation of this bridge did not involve any impacts below the ordinary high water mark (OHWM) of the stream.

Comment 14: **Some commenters had requested a public hearing. (Ohio Nuclear Free Network, Buckeye Environmental Network, other individuals)**

Response 14: Based on the limited number of requests that were submitted by the end of the public comment period, Ohio EPA determined that there was not sufficient public interest to hold a hearing.

Comment 15: **Some commenters were concerned about the cumulative impacts of additional development that may occur in the area because of this project. (Ohio Nuclear Free Network, Buckeye Environmental Network)**

Response 15: Each 401 Water Quality Certification Application is subject to antidegradation analysis that considers the effects of cumulative impacts for related projects. Should any additional permit applications related to this project be submitted to Ohio EPA, the agency will consider the cumulative impacts of the development during its review.

Comment 16: One commenter expressed concern regarding the possibility of increased traffic, crime, and trash/litter that may result from the presence of a large warehouse complex. (Buckeye Environmental Network)

Comment 16: These possible concerns are noted and considered with other potential societal benefits of the project, including job creation and ancillary benefits to the local economy. Excess trash or litter surrounding the facility may fall within the jurisdiction of Pickaway County Public Health. They can be contacted by calling 740.477.9667.

End of Response to Comments