



Richard H. Finan
Mayor

VILLAGE OF EVENDALE

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Honorable Members of the Committee, good afternoon, my name is James Jeffers and I am the Village Engineer and Service Director for the Village of Evendale. We appreciate the opportunity to testify in support of HB 175.

Ephemeral streams have been subject to the whims of administrations since the Clean Water Act was enacted. This legislation will help communities, businesses and developers to apply common sense to handling runoff occurring on properties we are charged with providing guidance and direction during future developments. We are acutely aware of the importance of streams as a function of a Water of the United States. The Mill Creek is a major waterway that bisects the Village of Evendale and provides the needed transmission of storm water runoff from properties and have been incorporated as feature for the adjoining property owners. The Mill Creek Watershed is approximately 169 square miles and flows through parts of Butler, Warren and Hamilton County ultimately draining into the Ohio River. We are here today to discuss how these regulations have impacted the AeroHub development that the Village is constructing.

The Landmark Church property contains approximately 124 acres of which The Village has acquired the southwestern 24 acres for the development of AeroHub. Of the 124 acres approximately 50 acres of property drain to the pond that is the headwater for the ephemeral stream. In 2015, the Village acquired the former Feibelman Property of 7 acres that was located perpendicular to the Glendale Milford Road. The ephemeral stream runs along the east edge of this property as shown in Photo #1. In the 1950's a significant portion of this stream was enclosed in a pipe with the construction of I-75, which outlets on the base of the southbound on-ramp.

As stated the watershed for this stream is approximately 50 acres that a vast majority drains to a retention pond located at the southwest edge of Landmark's retained property. The only source of water for this pond is from the runoff of the southeastern portion of Landmark's property during storm events the very definition of an ephemeral stream. The remaining portion of the stream that is need of mitigation is approximately 700 lineal feet. The remainder of the original stream has been modified and/or enclosed.

When the Village acquired the property and planned the development, a Waters of the United States Study was performed as required by the EPA under Section 401 of the Clean Water Act in 2017. As depicted in Photos #2-4, the stream is ill defined and does not carry a significant amount of runoff. The final determination received in September of 2021 is that the stream is a Water of the United States and requires mitigation. However, it is difficult to understand this classification, as the only way for the stream to reach the Mill Creek, which is approximately 2 miles away, is for the water to cross under I-75 and then traverse over several large properties, including GE and Formica and cross under two separate rail – lines before merging into the Mill Creek. In addition, a portion of the drainage pattern never reaches the Mill Creek directly as it flows to a dry well pond on the north side of Glendale Milford. The definition of a Water of the US is that the stream is to be adjacent to a major waterway. The key portion of this definition is “adjacent”.



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The mitigation solutions are to offset the affected stream on site, usually at a basis of 3x the size of the existing stream or pay into a Non-profit “Stream Bank” for that group to construct a stream at another location.

Based upon the current conditions and the remainder of the stream to be mitigated, the Village would need to pay approximately \$500,000. Stream Credits are generally required to be offset within the same Regulatory District that the project is constructed. In this case, we are part of the US Army Corp of Engineer’s Huntington, West Virginia District. At this time, only one approved Stream Bank has the necessary available stream credits available. This lack of options lets this group set the price of a stream credit.

The remaining stream to be mitigated restricts the needed improvements to properly develop the property. In addition, the Village has constructed an approximately 5 acres detention pond, that parallels the stream in question, required under other provisions of the Clean Water Act to regulate and control the flow and water quality of Stormwater created during a development. All runoff from the improved site is directed to this pond and not the stream.

One of my duties as the Village Engineer for Evendale reviewing and approving Water Management and Sediment Control measures required for new construction. As part of the Clean Water Act, EPA has instituted water quantity and water quality measures to be employed for any construction that results in a change of the runoff parameters. These regulations result in the construction of detention/retention basins for land development. This process is meant to provide the ability to develop land without creating a potential issue for a downstream property owner.

Evendale’s plan for mitigation – The master plan of AeroHub recognizes that this development will generate runoff greater than currently exists for undeveloped land. As part of the recently completed roadway we constructed a 5 acre pond to account for the drainage. The plan is to expand this detention pond and incorporate the current stream in a converted retention pond that will provide as an entry way feature and park to be utilized by the business of the development and the general public. This detention/retention pond provides a greater natural drainage path than currently exists with the remaining stream to be mitigated. However, we don’t get credit for these improvements. See photos #5-6.

For years, developers and communities are faced with ever changing regulations. The Courts, EPA and the Corp of Engineers have wrestled with the language of streams and have generally classified any runoff as being a Water of the United States. Developments have no choice but to comply with these regulations at a significant expense to mitigate the streams in order to effectively develop land that they own. This has also impeded communities from providing direction and oversight to development during the construction process. This legislation will provide clarity to the definitions and preserve the rights of States to prevent, reduce and eliminate pollution and to plan and to preserve land and water resources. We thank you for the time to testify on this matter.



GURIAL MOUND

OAK ROAD

1+ AM

1.5 VAR

1.5 TEC

PED. PATH 2

PED. PATH 1

2 VAR

1+ AM

Pond (Head water)

Ephemeral Stream

ORD ROAD

1+ AM

3 OFF

1.5 RD

GE











Water Feature and Wall Example



Logo on Wall Example



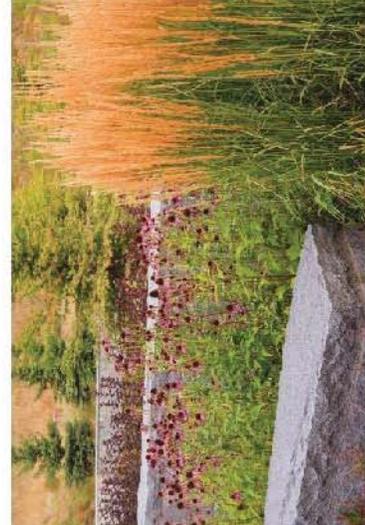
Entrance Monument Examples



Pedestrian Bridge Example



Overlook Area Example



Landscape Planting Example



Aerohub Entrance

Concept Plan
January 2020

