

Date of Public Notice: November 11, 2009

Lucas County, Ohio

**PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING**

TOLEDO HARBOR

Public notice is hereby given that the Ohio Environmental Protection Agency (Ohio EPA) Division of Surface Water (DSW) has received an application for, and has begun to consider whether to issue or deny, a Clean Water Act Section 401 Certification for a U.S. Army Corps of Engineers (USACE) dredging project located in Toledo Harbor. The application was submitted by the USACE, Buffalo District, 1776 Niagara Street, Buffalo, NY 14207. The project is located within the limits of the Federal navigation channels in Maumee Bay and River (Toledo Harbor), and the harbor's dredged material placement areas in Lake Erie. The USACE, Buffalo District Public Notice number for this project is 10-1. The Ohio EPA ID Number for this project is 093554.

As required by the Antidegradation Rule, three alternatives have been submitted for the project. The applicant's proposed preferred designed alternative, if approved, will be to dredge an estimated 2,000,000 cubic yards of material on an annual basis from 2010 through 2012, with placement of the dredged material at the existing open-lake area and confined disposal facility (CDF) in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, will be to dredge an estimated 1,350,000 cubic yards of dredged material from the Federal navigation channels on an annual basis from 2010 through 2012, with placement of the dredged material at the existing open-lake area and CDF in Lake Erie. Dredging shall not occur during Lake Erie storm events, and dredged material placement will be restricted to the northeast half of the open-lake area. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the State.

The discharges from the activity, if approved, would result in temporary degradation to, or lowering of, the water quality at the existing two-square mile dredged material open-lake placement area in Lake Erie, located approximately 3.5 miles from the Toledo Harbor light at an azimuth of 033°00', as well as in the vicinity of the overflow weir pipe for the Toledo Harbor CDF (CDF No. 2, also referred to as CDF 3 Cell 2) located near the mouth of the Maumee River. The review of the application will be conducted, and a decision whether to grant or deny the application will be made, in accordance with Chapters 3745-1 and 3745-32 of the Ohio Administrative Code (OAC). In accordance with OAC 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of the water quality. Other alternatives resulting in lesser or no degradation or lowering of water quality will be considered by Ohio EPA during the review process.

No exclusions or waivers, as outlined by 3745-1-05 of the Antidegradation Rule apply or may be granted by the Director of Ohio EPA.

Starting November 11, 2009, copies of the application for the certification and technical support information may be inspected at Ohio EPA-DSW, P.O. Box 1049, Columbus, Ohio 43216-1049 by first calling (614) 644-2001. Applications can be made available at the Ohio EPA District Offices by calling the same number.

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality at 6:30 p.m. on January 14, 2010, at the Toledo City Council Chambers, One Government Center, 640 Jackson Street, Toledo, Ohio 43604. The public hearing will end when all interested parties have had an opportunity to provide testimony related to the project.

All interested persons are entitled to attend or be represented and give written or oral comments on the proposed project. The purpose of the hearing is to obtain additional information that will be considered by the Director of Ohio EPA prior to any further action on the application. Written comments must be received by the Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on January 21, 2010. Comments received after this date may not be considered as part of the official record of the hearing.

Persons wishing to be on Ohio EPA's interested parties mailing list for this project, or wish to submit comments for Ohio EPA's consideration in reviewing the application should do so in writing to Ohio EPA-DSW, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049 by the close of business on January 21, 2010.