



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

July 11, 2014

The Honorable Jim Ellis
Mayor of the City of Fremont
323 South Front Street
Fremont, Ohio 43420

Re: Complete Section 401 Water Quality Certification Application
Ballville Dam Removal
Corps Public Notice No. 2011-00046
Ohio EPA ID No. 144364

Dear Mayor Ellis:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the Section 401 water quality certification application received by the Agency on March 10, 2014, and subsequent information provided on July 8, 2014, and has determined that it is administratively complete.

As per Section 6111.024 of the Ohio Revised Code (ORC), Ohio EPA will act on this application within 180 days of the date of this letter. To determine the action that should be taken by the Director, Ohio EPA may ask for additional information. You are encouraged to provide information requested during the technical review process in a timely manner as the lack of complete or inadequate plans may be grounds for a proposal to deny this certification.

Public Notice Requirements

As part of the antidegradation review process, Ohio EPA must provide for public participation and intergovernmental coordination prior to taking action on all activities for which a Section 401 water quality certification is required. In some instances, a public hearing may be required.

In accordance with Section ORC 6111.30(C), the applicant is responsible for issuing a public notice regarding the application. In this specific case, information contained in the application indicates that a public hearing is mandatory pursuant to Ohio Administrative Code (OAC) 3745-1-05. The public notice will announce the receipt of the application by Ohio EPA and that a public hearing will be held regarding this project.

Enclosed is a draft public notice that Ohio EPA has prepared for this project. This notice must be published in a newspaper of general circulation for the region in which the impacts are proposed to occur. The public hearing has been scheduled for August 21, 2014. **The public notice must be published 30 days prior to the hearing, which means that it must be published by July 22, 2014.**

For this project, the correct newspaper is:

Fremont News Messenger
Legal Notice Department
70 West 4th Street
Mansfield, OH 44901
(419) 521-7269
Fax: (419) 521-7355

You may find a copy of Ohio EPA's rules and laws online at:

<http://www.epa.ohio.gov/dsw/rules/index.aspx>

Information regarding Ohio's Section 401 and Isolated Wetlands Permitting programs is also available online at:

<http://www.epa.ohio.gov/dsw/401/index.aspx>

If you have any questions, please contact me at (419) 373-3024 or via email at heather.allamon@epa.ohio.gov.

Sincerely,



Heather Allamon
Application Coordinator
401/Wetlands Section

/jlm

Enclosure

ec: Joseph Krawczyk, U.S. Army Corps of Engineers, Buffalo District
Shelby Gilbert, Ohio EPA, DSW, Permit Processing Unit
Cody Fleece, Stantec Consulting Services, Inc.
DSW File

PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION AND PUBLIC HEARING

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 water quality certification for a project to remove the Ballville Dam. The application was submitted by the Mayor of the City of Fremont, Jim Ellis. The project is located at approximately river mile 18 of the Sandusky River, Ballville Township, Sandusky County. The Buffalo District Corps of Engineers Public Notice Number for this project is 2011-00046. The Ohio EPA ID Number for this project is 144364.

As required by the Antidegradation Rule, rule 3745-1-05 of the Ohio Administrative Code (OAC), three alternatives have been submitted for the project. The applicant's proposed preferred alternative, if approved, would remove the Ballville Dam, stabilize an existing seawall, and install an ice control structure. The preferred alternative would impact 1,166 linear feet of warm water habitat stream and 0.67 acres of category 3 wetland. The applicant's proposed minimal degradation alternative, if approved, would repair the Ballville Dam and stabilize the existing seawall. The minimal degradation alternative would impact 230 linear feet of warm water habitat stream and 0.016 acres of category 3 wetland. The applicant's proposed non-degradation alternative, if approved, would have no direct impacts on waters of the state.

Discharges from the activity, if approved, would result in degradation to, or lowering of, the water quality of the Sandusky River and adjacent wetlands. Ohio EPA will review the application, and decide whether to grant or deny the application, in accordance with OAC Chapters 3745-1 and 3745-32. In accordance with OAC rule 3745-1-05, an antidegradation review of the application will be conducted before deciding whether to allow a lowering of water quality. All three proposed alternatives will be considered during the review process. No exclusions or waivers, as outlined by OAC rule 3745-1-05, apply or may be granted.

Starting **[DATE OF PUBLICATION]**, copies of the application and technical support information may be inspected on Ohio EPA-DSW website:

www.epa.ohio.gov/dsw

Ohio EPA will hold a public information session and public hearing relative to issues of lower water quality on August 21, 2014 at 6:00 p.m. at The Neeley Center, Terra State Community College, 2830 Napoleon Road, Fremont, OH 43420. The public hearing will