



John R. Kasich, Governor

Mary Taylor, Lt. Governor

Craig W. Butler, Director

**Re: Sandusky Harbor Dredging 2016
Permit - Intermediate
Correspondence
401 Wetlands
Erie County
DSW401164877**

January 18, 2016

Mr. Martin Wargo
Supervisory Biologist
U.S. Army Corps of Engineers
1776 Niagara Street
Buffalo, New York 14207

Subject: Complete Section 401 Water Quality Certification Application
Sandusky Harbor Dredging 2016
Corps Public Notice No. SANDUSKY-16
Ohio EPA ID No. 164877

Dear Mr. Wargo:

The Ohio Environmental Protection Agency (Ohio EPA) has reviewed the Section 401 water quality certification application received by the Agency on January 11, 2016, and has determined that it is administratively complete.

As per Section 6111.30 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 a 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. The information contained in the application does not indicate that a public hearing is mandatory pursuant to Ohio Administrative Code (OAC) 3745-1-05.

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 **within 21 days of the date of this letter**. Guidance for preparing the final public notice and getting it published in the correct newspaper is available at:
<http://www.epa.ohio.gov/portals/35/401/401ApplicantPublicNoticeInstructionSheet.pdf>

For this project, the correct newspaper is:

Sandusky Register
Legal Notice Department
314 West Market Street
Sandusky OH 44870
(419) 668-3771
Fax: (419) 668-2424
legals@sanduskyregister.com

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: Jay Miller, U.S. Army Corps of Engineers, Buffalo District
Shelby Gilbert, Ohio EPA, DSW, Permit Processing Unit
DSW File

PUBLIC NOTICE
NOTICE OF RECEIPT OF 401 APPLICATION

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 dredge the Federal navigation channels of Sandusky Harbor. The application was submitted by Martin Wargo, U.S. Army Corps of Engineers, Buffalo District. The project is located in Sandusky Harbor in Erie County, including the lower Straight Channel, Bay Channel, and Turning Basin. The Buffalo District Corps of Engineers Public Notice Number for this project is SANDUSKY-16. The Ohio EPA ID Number for this project is 164877.

As required by the Antidegradation 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 place 450,000 cubic yards of material in Lake Erie. The applicant's proposed minimal degradation alternative, if approved, would place 350,000 cubic yards of material in Lake Erie. 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 Lake Erie. 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:

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

Persons wishing to 1) be on Ohio EPA's interested parties mailing list for this project, 2) request a public hearing, or 3) submit written 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 within thirty days of the date of this public notice.