



**Environmental  
Protection Agency**

John R. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Nally, **Director**

OHIO E.P.A.

SEP 20 2012

ENTERED DIRECTOR'S JOURNAL

**Certified Mail**

Re: Statewide

Grant of Section 401 Water Quality Certification (U.S. EPA Small Vessel General NPDES Permit for Discharges Incidental to the Normal Operation of Vessels Less Than 79 feet)

Issue Date: September 20, 2012

Effective Date: September 20, 2012

Ladies and Gentlemen:

The Director of Ohio Environmental Protection Agency hereby authorizes discharges under the above referenced NPDES permit under Section 401 of the Federal Water Pollution Control Act and is subject to the following modifications and/or conditions:

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, the Director of Ohio Environmental Protection Agency hereby certifies 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.

Antidegradation Statement

I have determined that a lowering of water quality in waters where ocean-going ships' travel is necessary. In accordance with OAC 3745-1-05, this decision was reached only after examining a series of technical alternatives, reviewing social and economic issues related to the degradation, and considering all public and appropriate intergovernmental comments. The lowering of water quality is necessary to accommodate important social or economic development in the area in which the water body is located.

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 thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may

retain a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By: Scott J. Nally Date: 9/20/12

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 (3) 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  
77 South High Street, 17<sup>th</sup> Floor  
Columbus, OH 43215

Sincerely,



Scott J. Nally  
Director

cc: Sean Ramach, U.S. EPA, Region 5  
Mary Knapp, U.S. Fish & Wildlife Service  
James Zehringer, Director, ODNR  
Steve Holland, ODNR/Sandusky  
Dave Snyder, Ohio Historical Preservation Office, 1982 Velma Avenue, Columbus,  
Ohio 43211  
Eric Nygaard, Ohio EPA, 401 Reviewer  
Jeff Deshon, Ohio EPA, EAS  
Ohio EPA District DSW Managers