

# CITY OF TOLEDO

LINDSAY WEBB  
COUNCILWOMAN – DISTRICT 6  
February 5, 2010



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Ohio Environmental Protection Agency  
Chris Korleski, Director  
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Columbus, OH 43216-1049

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OFFICE OF THE DIRECTOR  
OHIO EPA

Mr. Korleski:

Enclosed is a copy of Resolution 23-10 that Toledo City Council adopted at our January 19, 2010 meeting. The proposal by the Army Corps of Engineers to triple the amount of open lake dumping while dredging the Toledo Harbor is unacceptable. All parties agree that the harbor and shipping channel must be dredged, but not at the cost of water quality.

The dumping of the sediment causes increased turbidity and other sediment nutrients, which impact the water that enters our intake, costing the Citizens of the City of Toledo more to ensure clean water. One study by the University of Toledo and Ohio Sea Grant indicates that this type of open lake dumping contributes to the formation of bad algae on the water.

Recreational boating and fishing will also be affected by the decrease in water quality due to open lake dumping. The practice of open lake dumping is hurting several western Lake Erie businesses and as a result, decreasing tax revenue at a time when it is needed most.

I would strongly encourage you to assist us in taking action to prevent open water dumping in the Western Basin of Lake Erie and to find alternatives like creating man made islands for wildlife habitat.

Sincerely,

Lindsay Webb  
Toledo City Council District 6

Enclosure (1)

RES. 23-10

**Minimize open lake dumping to the greatest extent possible; and declaring an emergency.**

WHEREAS, the Toledo Shipping Channel is vital to the economy of Northwest Ohio; and

WHEREAS, the City of Toledo recognizes the need for dredging and the need for a location for the dredge materials; and

WHEREAS, the Maumee River and Bay and Western Lake Erie waters are the most biologically productive waters in the Great Lakes and amongst the best spawning and fishing waters in the world; and

WHEREAS, for more than ten years, state and local governments have repeatedly requested the end of open lake dumping which causes sediment transport as far as 100 miles according to Ohio Sea Grant; and

WHEREAS, there has been an increase in algae in Maumee Bay and Western Lake Erie along with decreased water quality, fewer fish with walleye numbers declining from over 80 million in Lake Erie to just over 22 million and detrimental impacts on boating and recreational use of the waters which seems to be increasing at an increasing rate since 2004; and

WHEREAS, studies by Ohio Sea Grant and the University of Toledo Lake Erie Center released in the fall of 2009 show that bad algae likes turbidity (sediments suspended in water); and

WHEREAS, the average amount of sediments open lake disposed from 1994 through 2002 is 190,895 cubic yards and the average sediments open lake disposed from 2003 through 2009 was 472,165 cubic yards and there is now a permit request to Ohio E.P.A. to increase the amount of open lake disposed sediments to 2 million cubic yards which may be reduced to 1.35 million cubic yards – nearly triple the current levels; and

WHEREAS, Facility Three, the Confined Disposal Facility (CDF) in Oregon has several years of capacity for the dredged sediments; and

WHEREAS, the Ohio Environmental Protection Agency, the City of Toledo, the Toledo - Lucas County Port Authority and the City of Toledo have for many years asked the Army Corps of Engineers to end the practice of open lake dumping in Western Lake Erie, the Great Lakes' warmest, shallowest, most biologically productive waters; and

WHEREAS, the states of Wisconsin and Minnesota have banned the practice of open lake dumping; and

WHEREAS, open lake dumping by its nature degrades water quality and impacts the raw water that enters the City of Toledo and Oregon water intakes by increasing turbidity and other sediment nutrients; and

WHEREAS, the Army Corps of Engineers has studied Habitat Restoration Units (HRU), man made islands for habitat, for over ten years and there is growing consensus to build a pilot project with funding for this project from the Great Lakes Restoration Initiative, for an island for fish spawning preferably adjacent to the Toledo Lighthouse in Lake Erie or as part of a proposed Maumee Bay reclamation program within one or two only Harborlands Initiative Study permanent, Combined Disposal Facilities (CDF). These CDF's to be located north of the Main Shipping Channel to provide temporary relief while the larger Lighthouse surround (CDF) is being developed. The two projects are not intended to be mutually exclusive. Rather, they are mutually supportive. NOW, THEREFORE,

Be it resolved by the Council of the City of Toledo:

SECTION 1. That the City of Toledo requests that the Toledo - Lucas County Port Authority and the Ohio Department of Natural Resources apply for Great Lakes Restoration Initiative funding for final design and construction of the fish spawning Habitat Restoration Unit in Lake Erie, preferably adjacent to the Toledo Lighthouse. The City of Toledo also requests that Ohio EPA require that the placement of sediments from the shipping channel is placed in Facility Three to the greatest extent possible minimizing or eliminating open lake disposal.

SECTION 2. That the City of Toledo requests Ohio E.P.A. extend the public comment period on the Toledo Harbor Dredging Application from January 21, 2010 to February 22, 2010.

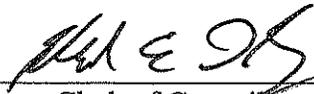
SECTION 3. That the Clerk of Council will send this resolution to OEPA Director Chris Korleski, ODNR Director Sean Logan, Congresswoman Marcy Kaptur, Senator George Voinovich, Senator Sherrod Brown, Governor Strickland, Senator Theresa Fedor, Representative Edna Brown, Representative Peter Ujvagi, Representative Mathew Szollosi, Lucas County Commissioners, Oregon Mayor Michael Seferian, Oregon City Council, Toledo - Lucas County Port Authority Board of Directors, the Army Corps of Engineers, the Lake Erie Commission and the Great Lakes International Joint Commission (IJC).

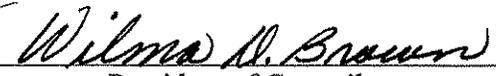
SECTION 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council and that all deliberations of this Council and its committees that resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Revised Code of Ohio and that the reading and adoption of this Resolution complies with the provisions of the Charter of the City of Toledo.

SECTION 5. That this resolution, being an emergency measure, shall be in force and effect from and after its passage. The reason for the emergency lies in the fact that this ordinance is necessary for the immediate preservation of the public peace, health, safety and property, and for the further reason that this resolution must be immediately effective in order to minimize open lake dumping to the greatest extent possible.

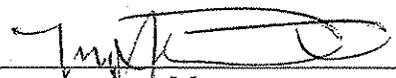
Vote on emergency clause: yeas 12, nays 0.

Adopted: JAN 19 2010, as an emergency measure: yeas 12, nays 0.

Attest:   
Clerk of Council

  
President of Council

Approved: JAN 21 2010

  
Mayor

I hereby certify that the above is a true and correct copy of a Resolution adopted by Council \_\_\_\_\_.

Attest: \_\_\_\_\_  
Clerk of Council