

City of Oregon, Ohio, 5330 Seaman Road, Oregon, OH 43616-2633

RESOLUTION 004 - 2010

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OFFICE OF THE DIRECTOR
OHIO EPA

A RESOLUTION TO 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 Oregon 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 nearly quadruple 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 Oregon 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,

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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's), man made islands for habitat, for over ten years and there is growing consensus to build a pilot project with an island for fish spawning near the Toledo Lighthouse in Lake Erie with funding for this project from the Great Lakes Restoration Initiative; **NOW, THEREFORE**,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF OREGON, OHIO THAT:

SECTION 1. The City of Oregon 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 Oregon also requests that Ohio EPA require sediment from the shipping channel be placed in Facility Three to the greatest extent possible, minimizing or eliminating open lake disposal.

SECTION 2. The City of Oregon requests Ohio EPA extend the public comment period on the Toledo Harbor Dredging Application from January 21, 2010 to February 22, 2010.

SECTION 3. 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 Mathew Szollosi, Representative Peter Ujvagi, Lucas County Commissioners, Toledo Mayor Mike Bell, Toledo City Council, and the Toledo Lucas County Port Authority Board of Directors, Cameron Davis, Great Lakes Advisor for the Obama Administration, the Army Corps of Engineers, the Lake Erie Commission and the Great Lakes International Joint Commission (IJC).

SECTION 4. 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 Article III Section 9 of the City Charter, as amended.

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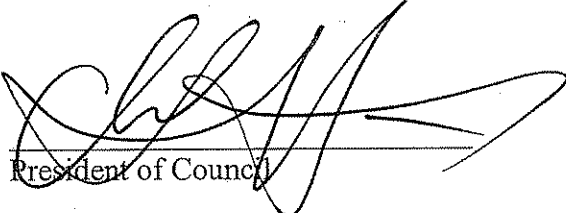
SECTION 5. This Resolution is hereby declared to be an emergency measure and shall take effect and be in force from and after its passage and signature by the Mayor. The reason for the emergency lies in the fact that the Ohio EPA comment deadline on the Toledo Harbor Dredging Application is January 21, 2010.

Passed this 11th day of January 2010.

Yeas 7 Nays 0 Abs. 0

Failed this _____ day of _____.

Yeas _____ Nays _____ Abs. _____



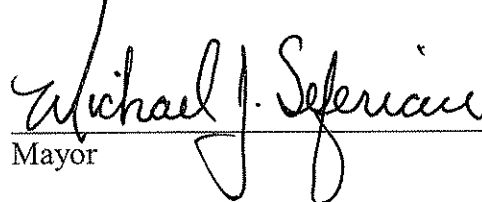
President of Council

ATTEST:

APPROVED:



Clerk of Council



Mayor