



DEPARTMENT OF THE ARMY

BUFFALO DISTRICT, CORPS OF ENGINEERS
1776 NIAGARA STREET
BUFFALO, NEW YORK 14207-3199

February 24, 2016

Dear Lake Erie Stakeholder:

The U.S. Army Corps of Engineers (USACE) recently completed a review of scientific data provided by the Ohio Environmental Protection Agency (EPA) in October 2015, relating to the condition of sediment in and around Cleveland Harbor. While the Ohio EPA has relied on these data to inform their position regarding dredged material management practices, we have determined that the data provided no scientific basis to change our conclusion that the sediment in the Upper Cuyahoga River Federal Navigation Channel is suitable for open lake placement or any other beneficial use. We provided Ohio EPA a technical letter that fully details our scientific analysis of their data. The dredging plan we outlined to the State of Ohio in a Water Quality Certification application meets applicable State water quality standards, is protective of human health and the environment, and is in the best interest of American taxpayers. Several alternatives exist to dredge Cleveland Harbor in 2016 without open lake placement, and because they are costlier than the maximum Federal investment permissible under the Federal Standard, they would require additional funds from a non-USACE entity. Preserving the ecological health of the Great Lakes and maintaining safe and efficient navigation in Cleveland Harbor are top priorities for USACE.

Experienced scientists from USACE conducted a full and objective review of the data provided by the Ohio EPA. We thank Ohio EPA for sharing these data because it is in our collective best interest to ensure all applicable information is available to make important decisions. Ohio EPA's data resulted from several sampling and testing events they conducted in the Upper Cuyahoga River and Lake Erie in 2013, 2014, and 2015. Their efforts produced both analytical data showing concentrations of chemicals in sediment, and laboratory test data from the evaluation of sediment toxicity and bioaccumulation associated with polychlorinated biphenyls (PCBs).

Many of the analytical data regarding chemical levels in the sediment were applicable, while some were not. We incorporated the applicable analytical data into our overall sediment evaluation, and have provided this updated evaluation to Ohio EPA for their consideration as part of the Water Quality Certification application. We found that the level of PCBs in the Upper Cuyahoga River Federal Navigation Channel sediment were consistent with existing background conditions offshore of Cleveland. We also found that the polycyclic aromatic hydrocarbons (PAHs) in the channel sediments were not toxic. Hence, moving sediment from the river channel to an open lake placement site would not result in lowering Lake Erie's water quality. Also, Ohio EPA provided data from sediment samples collected outside the Federal navigation channel, and these samples were not representative of what was dredged. Therefore, we did not include these in our sediment evaluation.

Ohio EPA's laboratory tests for sediment toxicity and PCB bioaccumulation were scientifically unreliable. This was mostly due to the fact that when Ohio EPA conducted their

laboratory tests, they did not follow Clean Water Act Section 404(b)(1) guidelines and appropriate formal guidance developed by both the U.S. Environmental Protection Agency (USEPA) and USACE, as required. Accordingly, Ohio EPA's improper testing methods resulted in improbably high levels of PCB bioaccumulation. Decisions based on these flawed results would greatly overestimate the risk these chemicals pose to human health and the environment.

USACE understands that the State of Ohio prefers alternatives to open lake placement of the dredge material from Cleveland Harbor, including beneficial use. USACE supports, and will continue to support, Ohio's beneficial use program. There is a potential win-win alternative for the U.S. taxpayers and local proponents of beneficial use. USACE could complete the 2016 dredging requirement at Cleveland Harbor by placing all sediment into the confined disposal facility (CDF) that the Port of Cleveland operates (CDF 12) provided that the Port waives its tipping fee or identifies an entity willing to reimburse the Port for its fee. If this occurs, Ohio will obtain the benefit of the dredge material it seeks for use, and U.S. taxpayers benefit because other Great Lakes harbors and national harbors will be dredged consistent with USACE's dredging plan. Our contract solicitation keeps the door open for this option by allowing prospective contractors to propose a placement location other than the open lake site as part of their bid package, which could be the Port-operated CDF 12.

Lake Erie is an invaluable ecological and public resource across local, state, federal, and international boundaries. We are committed to utilizing limited Federal funding to maintain a vital navigation system in a manner that remains protective of human health and the environment. Anyone with additional information for consideration is invited to attend our upcoming public hearing at the St. Ignatius High School Breen Center on the evening March 1, 2016.

Further information regarding the public hearing on Cleveland Harbor, including the technical letter that fully details our scientific analysis of Ohio EPA's data is available at our website: <http://bit.ly/cleveland-harbor>.

Respectfully,

A handwritten signature in black ink that reads "Karl D. Jansen". The signature is written in a cursive, flowing style with a long horizontal stroke at the end.

Karl D. Jansen
Lieutenant Colonel, Corps of Engineers
District Commander