



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY

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

March 10, 2016

Programs and Project Management Branch

SUBJECT: Cleveland Harbor, Cuyahoga County, Ohio—Discharge of Dredged Material
Associated with 2016 Maintenance Dredging Project (DSW401144574)

Mr. Kurt M. Princic
District Chief
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087-1924

Dear Mr. Princic:

This is in response to your March 1, 2016 letter presenting comments on the U.S. Army Corps of Engineers (USACE) application of Section 401 water quality certification (WQC) for the discharge of dredged sediment associated with the 2016 maintenance dredging of Cleveland Harbor Federal navigation channels.

Many of the comments presented by Ohio Environmental Protection Agency (Ohio EPA) address the quality of sediments dredged from the Upper Cuyahoga River Channel and in Lake Erie rather than water quality. Therefore, these comments pertain to Clean Water Act (CWA) Section 404(b)(1) Guidelines and the applicable formal guidance prescribed in the 1998 Evaluation of Dredged Material for Discharge in Waters of the U.S.—Testing Manual (Inland Testing Manual) (ITM) and Great Lakes Dredged Material Testing and Evaluation Manual (GLTM). Compliance with CWA Section 404(b)(1) Guidelines is administered by USACE. The concerns presented by Ohio EPA are outside the regulatory purview of CWA Section 401 WQC, which is focused on compliance with Federally approved numeric and narrative water quality standards (WQSs) as they apply to the water column. USACE has provided sufficient information toward compliance with applicable Ohio WQSs in our November 20, 2015 application for WQC. Concerns expressed by Ohio EPA about PCB concentration in sediments, bioaccumulation, and polycyclic aromatic hydrocarbon (PAH) toxicity relate to demonstration of compliance with CWA 404(b)(1) Guidelines, which fall under the regulatory authority of USACE.

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As part of our exhaustive sediment analyses found in the November 20, 2015 WQC application and the February 24, 2016 revised dredged sediment evaluation, we clearly demonstrate that PCB concentrations and bioaccumulation associated with sediments from the Cleveland Harbor Upper Cuyahoga River Federal Navigation Channel are not only consistent with reference sediments at CLA-1, but are also within the range of regional background reference sediments offshore of Cleveland. In addition, solid phase bioassay data from USACE analyses show that the PAH concentrations in channel sediments are not toxic to benthic organisms.

USACE agrees that if covering of toxic sediments outside of CLA-1 with Cleveland Harbor dredged sediments were pursued, additional characterization regarding the extent of contamination would be appropriate. USACE is not proposing a remediation of lake-bottom sediments in this area. We are merely illuminating an opportunity to utilize maintenance dredging to promote the isolation of existing contaminated sediments from the aquatic environment in one area of CLA-1.

Your comments will be incorporated into and responded to in our CWA Section 404(b)(1) Evaluation as appropriate. This evaluation will be available on our website at <http://www.lrb.usace.army.mil/Missions/CivilWorks/DistrictProjects/ClevelandHarbor.aspx> later this month.

If concerns remain after reviewing the analyses already submitted to Ohio EPA as cited above, we request that Ohio EPA specify the Federally approved water quality standard(s) that open-lake placement of the channel sediment would violate, along with the accompanying criteria for compliance.

Questions pertaining to this matter should be directed to Mr. Scott W. Pickard (716)-879-4404; scott.w.pickard@usace.army.mil) by writing to the following address: U.S. Army Corps of Engineers, 1776 Niagara Street, Buffalo, New York 14207-3199.

Sincerely,

//SIGNED//

Ronald J. Kozlowski, PMP, CGFM
Chief, Programs and Project Management
Branch