



DEPARTMENT OF THE ARMY

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

March 21, 2016

REPLY TO
ATTENTION OF

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. Prinic
District Chief
Northeast District Office
Ohio Environmental Protection Agency
2110 East Aurora Road
Twinsburg, Ohio 44087-1924

Dear Mr. Prinic:

The purpose of this letter is to provide Ohio Environmental Protection Agency (Ohio EPA) the following: The U.S. Army Corps of Engineers (USACE) response to your March 12, 2016 letter to Mr. Eric Hannes which offered a formal comment for the record as a follow-up to your March 1, 2016 letter; USACE analysis of the "Report of Dr. Nathan Hawley on Sediment Migration at CLA-1" transmitted to us on November 20, 2015; and USACE comments on the draft 2016 water quality certification (WQC) provided to us on March 17, 2016.

The USACE will address all formal comments that were received from our Clean Water Act Section 404 public hearing within our 2016 Section 404(b)(1) Evaluation pertaining to our proposal for open lake placement of dredged sediment from the Upper Cuyahoga River Federal navigation channel.

Please note that your March 12, 2016 letter mischaracterizes what USACE proposed in our WQC application regarding placement of sediment over sites of highly bioavailable polycyclic aromatic hydrocarbons (PAHs) within CLA-1. We were merely illuminating an opportunity to utilize this year's maintenance dredged sediment to promote the isolation of these existing sediments from the aquatic environment in one area of CLA-1. The proposed beneficial use of dredged sediment to cover over these sediments in the southeast quadrant of CLA-1 is not part of any larger project or proposal by the federal government to remediate or cover over contamination in Lake Erie bottom sediments outside of CLA-1. Therefore, there is no federal action proposed by the USACE at this time for which additional National Environmental Policy Act compliance is warranted.

The USACE still believes, however, that beneficial use of dredged sediment within the southeast quadrant of CLA-1, while not necessary, would provide an ancillary benefit to the

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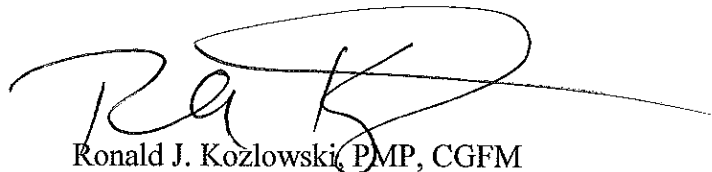
affected aquatic ecosystem. Such an action could easily be taken by USACE at 100 percent federal cost and should objectively be viewed as an improvement to the existing condition to this portion of CLA-1. Sufficient sampling/analyses has already been completed within CLA-1 to accurately delineate the locations and extent of this area, as was illustrated on Attachment 2 of Enclosure 4 of our November 20, 2015 WQC application. The figure attached to your March 1, 2016 letter shows what appears to be a hand drawn line presumably indicating the extent of PAH-contaminated sediments in Lake Erie and includes the entirety of CLA-1. Ohio EPA's 2015 bioassay data indicate no toxicity associated with sediments in this area. This line is inaccurate with respect to CLA-1 and should at most only incorporate its southeast quadrant.

To support your expressed concern about sediment within CLA-1 migrating to other portions of Lake Erie, you previously provided the "Report of Dr. Nathan Hawley on Sediment Migration at CLA-1," which challenges the analysis and modeling conclusions documented by the U.S. Army Engineer Research and Development Center (USAERDC). We have reviewed Dr. Hawley's report and have several substantive concerns with his analysis and conclusions. These concerns are detailed in the enclosed technical review (Enclosure 1). Based on the detailed analysis and modeling by USAERDC, sediment placed in CLA-1 has little potential for meaningful resuspension and migration, and therefore would not increase the cost or complexity of possible future efforts to further investigate the nature and extent of contamination outside CLA-1.

Finally, comments specific to the draft WQC are presented in Enclosure 2. USACE is again requesting that Ohio EPA specify the applicable federally approved water quality standard that open lake placement of the channel sediment could violate, along with the accompanying criteria for compliance.

Thank you for your continued engagement on this project and comments provided as part of our Clean Water Act Section 404 public hearing. If you have any questions pertaining to this matter, please feel free to contact 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,



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

Enclosures