Enclosure 2

USACE Comments on Draft 2016 Cleveland Harbor WQC

1. Part I – The minimal degradation alternative was of the discharge of approximately 180,000 cubic yards of sediment at CLA-1, not for the actual dredging of the federal navigation channel. Please note that no authority is provided to states under Section 401 of the Clean Water Act (CWA) to regulate the act of dredging itself since it does not involve a discharge of dredged material.

2. Part I – Figure 1 with the draft WQC does not depict the proposed discharge of dredged material at CLA-1 for which USACE has requested WQC. Rather, it only illustrates the areas to be dredged within Cleveland Harbor.

3. Part II (B) – Please note that a WQC is not an "authorization." It is a certification as to whether a proposed discharge of dredged or fill material complies with applicable state water quality standards. Section 404 of the CWA provides USACE the authority to authorize or not authorize dredged and fill material discharges into navigable waters.

4. Part II (C) – A WQC application was not submitted pertaining to any placement of dredged material into a confined disposal facility (CDF). Ohio EPA does not have the authority to direct that USACE place material at any specific location pursuant to a WQC. Its authority is only to certify whether or not a discharge into navigable waters complies with applicable state water quality standards.

5. Part II (C, D) – Please 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.

6. Part II (E, F, H) – As we have commented on in past draft WQCs, please note that these conditions are not linked to the proposed discharge of dredged material and/or applicable Ohio water quality standards. These conditions do not pertain to any impact that the certified discharge may have on water quality. Therefore, they are inappropriate and unenforceable as part of a WQC granted under Section 401 of the CWA.