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

November 20, 2015

REPLY TO
ATTENTION OF

Dear Lake Erie Stakeholder:

I am writing to you today to provide an update on the U.S. Army Corps of Engineers (USACE), Buffalo District's plan for dredging the Cleveland Cuyahoga Federal navigation channel in 2016.

USACE is planning to dredge 225,000 cubic yards (cy) of sediment from the Cleveland Cuyahoga Federal navigation channel over two dredging events in the spring and fall of 2016. We plan to place 45,000cy of sediment dredged from the lower river channel in the USACE confined disposal facility (CDF) 10B and 180,000cy of dredged sediment from the upper river channel in the designated open lake placement area, CLA-1. USACE is submitting a request for a Clean Water Act Section 401 Water Quality Certification (WQC) to Ohio EPA for the discharge of dredged sediment at the designated open-lake placement area and for discharge of effluent from CDF 10B. Preserving the ecological health of the Great Lakes and maintaining safe and efficient navigation in Cleveland Harbor are top priorities for USACE.

We have elected to submit the WQC application now to allow Ohio EPA sufficient time to review and render a decision in advance of the scheduled 2016 dredging season. This will avoid unnecessary delays in maintaining navigable depths at Cleveland Harbor.

The sediment that we are planning on dredging from the Cleveland Cuyahoga Federal navigation channel in 2016 has been deposited recently in the Federal navigation channel through natural processes. We are not planning to dredge or discharge any legacy sediment. Legacy sediment may be found outside of the Federal navigation channel, and due to the age of the sedimentation, often contains levels of contamination requiring special management. In contrast, the Federal navigation channel sediment that we are planning to dredge largely originates from Cuyahoga Valley National Park, and has been deposited primarily during high flow events that have occurred since our most recent dredging efforts in the spring and fall of 2015. Dredged sediment from this area has been characterized by Ohio EPA as toxic and by other stakeholders as sludge; however, sound scientific analysis confirms that these characterizations are inaccurate. Classifying dredged sediment as toxic sludge is not only incorrect, but also raises unnecessary barriers to beneficially using the sediment. USACE is committed to working with the State to beneficially use dredged sediment in near-shore ecosystem restoration, upland applications or other practicable uses.

Our long standing experience and expertise in the scientific analysis of dredged sediment is integral to the ecological health of Lake Erie. USACE continues to use the scientific standard "weight-of-the-evidence" approach to determine whether dredged sediment meets CWA Section 404(b)(1) Guidelines for open-lake placement. This means USACE considers multiple lines of

evidence and draws conclusions based on all relevant information. We remain confident that upper river channel sediment is suitable for open-lake placement. USACE concluded a sediment evaluation report based on data generated from three sampling events in 2014 and 2015, and with reference to our 2013 sediment evaluation. Our analysis, in accordance with the Inland Testing Manual and Great Lakes Dredged Material Testing and Evaluation Manual, concludes that our dredged sediment placement plan meets Clean Water Act Section 404(b)(1) guidelines. We remain confident that discharge at the open-lake placement site and effluent from CDF 10B meet state standards and therefore should be granted a WQC. We also continue to analyze other data including bioaccumulation results from 2015 and relevant data provided by Ohio EPA in October 2015. We will provide the results of this analysis in a supplement to our WQC request in February 2016.

The placement of sediment dredged from the upper river channel at the open-lake placement site meets applicable water quality standards. This placement site is a two square-mile area located over nine miles from shore in sixty feet of water. This proposal is consistent with the current USACE Federal Standard determination, and requires about $2.8 million of Federal appropriations to accomplish (on average, $12.44 per cubic yard of sediment). USACE determines the Federal Standard in accordance with Federal regulation. It is the least cost, environmentally acceptable, and technically feasible alternative for the placement of dredged sediment. For the lower river channel sediment, CDF placement remains the Federal Standard because USACE has not yet evaluated the suitability for open-lake placement. Our proposal is safe for drinking water, protective of the environment, and in the best interest of American taxpayers.

This proposed plan can also be considered a beneficial use of this dredged sediment, which would cover some areas of the designated placement area that contain elevated concentrations of polycyclic aromatic hydrocarbons (PAHs) and polychlorinated biphenyls (PCBs). Covering these lake bed areas with the cleaner dredged sediment from the upper river channel would improve lake-bottom (benthic) habitat at impacted locations.

In recognition of the State's on-going concerns with respect to open-lake placement of this sediment, I would like to re-emphasize our willingness to work with the State and other stakeholders, should they identify and propose a dredged sediment placement option that is cost-neutral compared to or more costly than the Federal Standard. Implementation of options that are more costly than the Federal Standard would require a non-USACE entity to contribute the additional costs. Options that are less costly or cost neutral, as compared to the Federal Standard, could be accomplished at Federal expense. Applicable parties need to coordinate options, as soon as possible, in advance of the anticipated 2016 dredging contract award to avoid delays in dredging.

One option that has been suggested in the past is placement of dredged sediment in CDF12 which is owned and operated by the Cleveland Port Authority. In order to implement this option,

the Port Authority would have to indicate its ability to receive the sediment and work collaboratively in the preparation of contracting documents. In this scenario, a non-USACE entity would be required to cover the cost of the Port's tipping fee and other additional costs before USACE awards a contract. The cost of this option last year was $10 per cubic yard above the Federal Standard of open lake placement of the upper river channel sediment, nearly double the cost to perform navigation dredging in Cleveland Harbor.

Should a WQC for the Federal Standard dredging plan not be issued and a non-USACE entity not provide an alternative, USACE will have to consider deferral of dredging the upper river portion of the Cleveland Cuyahoga Federal navigation channel. In this event, non-USACE entities may be able to dredge this reach of Federal navigation channel and manage the sediment in a manner of the State's (or other's) preference. Because Federal funding is not sufficient for USACE to meet all dredging needs across the 140 interconnected Great Lakes harbors, navigation interests in harbors such as Rochester, NY have invested their own capital to conduct dredging and disposal. Any non-USACE entity interested in keeping Cleveland's Federal Channel open for navigation can seek Clean Water Act permitting (Section 401 and 404) and contract these services.

Other options can be costly for a non-USACE entity, with some scenarios requiring from $2M to $4.75M of additional contributions. All options other than USACE's proposed plan require quick coordination from local leadership to remain viable for the 2016 dredging season.

As a steward of the ecological health of the Great Lakes, USACE is committed to maintaining a viable Great Lakes Navigation System and preserving this critical natural resource. Our proposed plan accomplishes this goal in Cleveland Harbor in a way that serves the public and protects the aquatic ecosystem, while making the best use of limited Federal funds. We remain open to reviewing any relevant evidence based on sound science that calls into question our conclusions. We stand ready to explore implementation of alternatives to our proposed plan should local leadership demonstrate the desire and willingness to resource such an endeavor.

For more information please refer to our USACE website for Cleveland Harbor located at: http://bit.ly/cleveland-harbor.

Sincerely,

Karl D. Jansen

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