



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Craig W. Butler, Director

I certify this to be a true and accurate copy of the official documents as filed in the records of the Ohio Environmental Protection Agency.

By [Signature] Date: 3-31-15

Certified Mail

**Re: Cleveland Harbor Dredging 2015
Permit - Intermediate
Approval
401 Wetlands
Cuyahoga
DSW401144574**

March 31, 2015

U.S. Army Corps of Engineers, Buffalo District
Attn: Mr. Martin P. Wargo
Supervisory Biologist, Environmental Analysis Section
1776 Niagara Street
Buffalo, New York 14207-3199

Subject: Cuyahoga County / City of Cleveland
Grant of a Section 401 Water Quality Certification
Minimal Degradation Alternative
Cleveland Harbor Dredging 2015
Ohio EPA ID No. 144574

Dear Stakeholders:

I hereby authorize the above referenced project under the following authorities and it is subject to the following modifications and/or conditions:

Section 401 Water Quality Certification

Pursuant to Section 401 of the Federal Water Pollution Control Act, Public Law 95-217, I hereby certify that the above-referenced project will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the Federal Water Pollution Control Act. This authorization is specifically limited to a Section 401 Water Quality Certification (here after referred to as "certification") with respect to water pollution and does not relieve the Certification Holder of further Certifications or Permits as may be necessary under the law. I have determined that a lowering of water quality in the Cuyahoga River (04110002) and Lake Erie (04120200) as authorized by this certification is necessary. I have made this determination based upon the consideration of all public comments, if submitted, and the technical, social, and economic considerations concerning this application and its impact on waters of the state.

PART I ON-SITE WATER RESOURCES AND IMPACTS

A. On-site Water Resources and Impacts:

Streams and Lake- maintenance dredging of a maximum of 225,000 cubic yards from approximately 1.9 miles of the Federal Navigation Channel of the Cuyahoga River, plus the Lake Approach and the Outer Harbor as identified in Figure 1.

PART II TERMS & CONDITIONS

- A. This Certification applies to the U.S. Army Corps of Engineers (USACE) 401 WQC application to dredge the Cuyahoga federal navigation channel, subject to the modifications and/or conditions as memorialized here.
- B. This authorization is valid for a period of one year from the date of this Certification.
- C. All dredged material shall be disposed of in CDF 9, 10B or 12.
- D. No open lake placement of dredged material is authorized with this Certification.
- E. Within the limits of its authorities and the funding available for this purpose, the USACE, Buffalo District (Corps) will participate and cooperate with the U.S. Fish and Wildlife Service, Reynoldsburg, Ohio, the U.S. Environmental Protection Agency, Region 5, Ohio Environmental Protection Agency, Northeast District Office, the Ohio Department of Natural Resources, Columbus, Ohio, and the Cuyahoga River AOC in the investigation and evaluation of the feasibility of establishing fish habitat areas within the limits of the Cuyahoga River Federal navigation project.
- F. Within the limits of its authorities and the funding available for this purpose, the Corps shall participate in the Cuyahoga River AOC meetings.
- G. The dredge project will result in the need to discharge decant water from dredge material processing. Water discharged shall be managed such that there are no water quality standard violations.
- H. Within the limits of its authorities and the funding available for this purpose, the Corps shall investigate the feasibility of improving aquatic habitat in the Cuyahoga River Channel.
- I. The USACE must notify the Ohio EPA the method and equipment used (mechanical or hydraulic) for this dredge project, once the bid has been accepted.

- J. No in-water work shall take place during the environmental window of March 15 through June 30, unless specifically approved by the Ohio Department of Natural Resources, Division of Wildlife, in writing, with a copy provided to Ohio EPA prior to undertaking any in-water work during the environmental window. This coordination shall be made with:

Nathan Reardon
ODNR, Division of Wildlife
2045 Morse Rd., Bldg. G
Columbus, OH 43229-6693
(614) 265-6741
Nathan.reardon@dnr.state.oh.us

- K. Within 24 hours of awarding the contracting, USACE shall submit a copy of the awarded contract with the current contact information for all responsible parties including phone number, e-mail, and mailing addresses. For the purposes of this condition, responsible parties include, but may not be limited to the Permittee, consultant.

PART III MITIGATION

- A. No dredging shall occur during Lake Erie storm events.
- B. Care shall be employed throughout the course of the dredging operations to avoid the creation of unnecessary turbidity that may degrade water quality or adversely affect aquatic life outside the project area.
- C. Report to Ohio EPA by December 31, 2015 on the amount of dredged material removed and the locations from which it was taken.

IV. NOTIFICATIONS TO OHIO EPA

All notifications, correspondence, and reports regarding this certification shall reference the following information:

Certification Holder Name: U.S. Army Corps of Engineers, Buffalo District
Project Name: Cleveland Harbor Dredging 2015
Ohio EPA ID No.: 144574

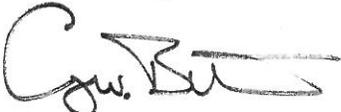
and shall be sent to:

Ohio Environmental Protection Agency
Division of Surface Water, 401/IWP Unit
Lazarus Government Center
50 West Town Street, P.O. Box 1049
Columbus, Ohio 43216-1049

You are hereby notified that this action of the director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within 30 days after notice of the director's action. The appeal must be accompanied by a filing fee of \$70.00, made payable to "Ohio Treasurer Josh Mandel," which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the director within three days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

Environmental Review Appeals Commission
77 South High Street, 17th Floor
Columbus, Ohio 43215

Sincerely,



Craig W. Butler
Director

cc: Eric Hannes, U.S. Army Corps of Engineers, Buffalo District
Dan Everson, U.S. Fish & Wildlife Service
John Kessler, ODNR, Office of Real Estate
Bill Zawiski, Ohio EPA Northeast District Office
Dan Bogoevski, Ohio EPA Northeast District Contact
Joe Loucek, 401 Reviewer

Attachments: Site Location Map (project)



Figure 1: Authorization to Dredge Approximately 225,000 cubic yards (approximately 10,000 linear feet).

NO OPEN LAKE PLACEMENT OF DREDGED MATERIAL IS AUTHORIZED WITH THIS 401.