OHIO COASTAL MANAGEMENT PROGRAM
POLICY 17 – DREDGING AND DREDGED MATERIAL DISPOSAL

IT IS THE POLICY OF THE STATE OF OHIO TO PROVIDE FOR THE DREDGING OF HARBORS, RIVER CHANNELS AND OTHER WATERWAYS AND TO PROTECT THE WATER QUALITY, PUBLIC RIGHT TO NAVIGATION, RECREATION AND NATURAL RESOURCES ASSOCIATED WITH THESE WATERS IN THE DISPOSAL OF THE DREDGED MATERIAL BY:

A. REGULATING, THROUGH THE OHIO ENVIRONMENTAL PROTECTION AGENCY WATER QUALITY CERTIFICATION, THE DISCHARGE OR DISPOSAL OF DREDGED MATERIAL (O.R.C. 6111.03(P) AND O.A.C. 3745-1);

B. REQUIRING A LEASE FOR STATE-ADMINISTERED SUBMERGED LANDS THROUGH THE DEPARTMENT OF NATURAL RESOURCES BEFORE INITIATING THE CONFINED DISPOSAL OF DREDGED MATERIAL IN THE WATERS OR ON LANDS UNDERLYING THE WATERS OF LAKE ERIE (O.R.C. 1506.11);

C. REGULATING COMMERCIAL DREDGING OF MINERAL RESOURCES (O.R.C. 1505.07 AND 1505.99, AND CHAPTERS 1561, 1563, 1565 AND 1567; AND

D. COORDINATING INTERDISCIPLINARY REVIEWS OF DREDGING PROJECTS AT OHIO'S LAKE ERIE PORTS, PROVIDING TECHNICAL AND FUNDING ASSISTANCE TO IMPLEMENT ENVIRONMENTALLY SOUND DREDGING AND DREDGED SEDIMENT MANAGEMENT PRACTICES.

Authorities and Administration

A. The Ohio EPA regulates discharges of dredged materials into Ohio waters through the authority of the Director, Ohio EPA, to certify or deny certification to an applicant for a federal license or permit that the discharge will comply with the CWA (O.R.C. 6111.03(P)). Before any agency or individual disposes of dredged material into Ohio waters, a state water quality certification must be obtained. Water quality certifications are issued, denied or conditioned pursuant to Ohio EPA's review of a COE Section 10/404 permit application or application made directly to Ohio EPA. (See Policy 12 for a more complete description of the 401 water quality certification authority.)

B. Before any improvements are undertaken to develop an in-water confined disposal facility (CDF), the project sponsor must obtain a lease from the ODNR for use of the waters and underlying submerged lands of Lake Erie (O.R.C. 1506.11). The application process and lease/permit criteria are explained in Policy 16.

C. The Director, ODNR, with the approval of the Director, Ohio EPA, the Attorney General, and the Governor, requires a permit or lease for removal of sand and gravel and other mineral resources from the bed of Lake Erie. Permits are issued for terms of not less than one year nor more than 10 years or until the economic extraction of the mineral has been completed. Dredging of sand and gravel must be within certain fixed boundaries that do not conflict with the rights of littoral owners. Pursuant to O.R.C. ϶ 1505.07, no person shall remove sand, gravel, stone or other minerals from or from under the bed of Lake Erie without first having obtained a permit or lease therefor from the Director, ODNR. Whoever violates this law shall be fined not less than $100 and not more than $500 (O.R.C. 1505.99).

D. ODNR cooperates with Ohio EPA, U.S. EPA, the U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers (COE), and the local agency or individual in determining the appropriate method and location for disposal of dredged materials. ODNR uses an interdisciplinary resource management approach to the evaluation of dredging and disposal projects. The uniqueness of dredge disposal projects and the variability of environmental conditions in Lake Erie and the coastal area necessitate this approach. The OCMP encourages the development of long-term sediment management plans for harbors and navigation channels where continuing dredging will be necessary to maintain navigation and beneficial and economic uses of these coastal areas.

The U.S. EPA has developed Section 404(b)(1) guidelines for determining the suitability of in-water disposal of dredged or fill material. In developing management mechanisms in the Ohio Nonpoint Source Management Program, ODNR and Ohio EPA recognized that determining the presence and relative concentration of contaminants in dredged material is only one important factor. Predicting the fate of those contaminants in each disposal option and assessing the environmental impacts of each dredged material disposal alternative is even more important. Decisionmaking regarding the management of dredged sediments from harbor areas and navigation channels where major tributaries deliver large quantities of sediments must be made on the basis of which alternatives provide reasonable protection for water quality and aquatic life uses and meet Ohio's objectives for sustaining beneficial human uses of the coastal area.

Management must be flexible. Lake Erie has tremendous variability in substrate conditions, currents, ambient water quality and natural sediment resuspension from location to location. Also, as the levels of pollutants in sediments decline with increased controls of point sources and nonpoint sources, open lake disposal options and methods need to be carefully examined to ensure that natural resources and beneficial uses of Lake Erie are adequately protected. The OCMP will use integrated management to fully explore upland and in-lake sediment reuse options. Traditional in-water confined disposal facilities (CDFs) for dredged sediments eliminate large areas of open water and submerged lands and underwater resources. This results in a major commitment of natural resources and habitat for fish and wildlife to a sediment disposal use.

The OCMP has developed general priorities for the location of dredge disposal sites. Evaluation of all projects depends upon the specific characteristics of the situation and the site.

Areas for the disposal of dredged materials determined not suitable for open-lake disposal, in order of their relative priority are: (1) upland sites and (2) nearshore confined sites.

Except for sand and gravel, the OCMP does not advocate an order of preference among site alternatives for the disposal or use of materials determined suitable for open-lake disposal. Site selection must be examined on a case-by-case basis considering ambient environmental conditions, dredged sediment characteristics and the characteristics of alternative open-lake sites.

The sand- and gravel-sized sediments should be returned to the littoral system downdrift of the point of dredging. Returning to the littoral system all sand and gravel dredged during construction or maintenance of navigation channels, harbors, or marinas located in nearshore areas or in stream mouths will help mitigate more than 150 years of damage to the littoral system caused by ill-conceived practices for disposal of sandy sediments dredged from these channels, basins, and marinas. The historical practice of open-lake disposal, upland disposal, or commercial sale of sandy sediment dredged from channels, harbors, and marinas has contributed to long-term degradation of Ohio's beaches, loss of natural shore protection, and increased erosion. Increased erosion has increased turbidity and sedimentation in nearshore aquatic habitats.

To facilitate return of sandy sediments to the littoral system, ODNR advocates adoption of innovative dredging technologies to bypass sandy sediment to the littoral system downdrift of the harbor, channel, or marina. In addition, ODNR advocates modification of existing harbor structures to capture sand before it enters channels, harbors, or marinas. Capturing sandy littoral sediment before it enters harbors, channels, or marinas would prevent it from becoming unsuitable for nearshore disposal due to mixing with polluted and/or fine-grained sediment.