



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

REPLY TO
ATTENTION OF:

SEP 7 2011

Executive Office

SUBJECT: Former Harshaw Chemical Company, Citizen Mr. Ronald Brady's Concern
Regarding Proposed Surface Mine and Landfill

Mr. Martin D. Gelfand
Office of Hon. Dennis J. Kucinich
Ohio 10th Congressional District
14400 Detroit Avenue
Lakewood, Ohio 44107

Dear Mr. Gelfand:

I have received your letter of August 5, 2011 in which you requested the U.S. Army Corps of Engineers' assistance in addressing a concern of a constituent, Mr. Ronald Brady, involving the former Harshaw Chemical Company (Harshaw) Formerly Utilized Sites Remedial Action Program (FUSRAP)-Site in Cleveland, Ohio. We appreciate you forwarding this concern to the Corps and have prepared the following response to provide perspective regarding the expressed environmental concern.

The area of concern identified in Mr. Brady's letter is Harshaw's Investigation Area 07 (IA07) located adjacent to the Cuyahoga River in the proximity of a proposed surface mine (Industrial Mine Permit IM-2356). Mr. Brady has voiced opposition to the granting of a permit for the proposed mine site. The mine site is located approximately 1,800 feet south of IA07 and is situated upstream near the Cuyahoga River. The environmental concern expressed involves the release of FUSRAP-related constituents into the Cuyahoga River system from a possible future interaction between groundwater at the proposed mine site and IA07.

Results of annual groundwater sampling and monitoring conducted by the Corps at IA07, which is available on our public website at <http://www.lrb.usace.army.mil/fusrap/harshaw/>, have confirmed that the concentrations of FUSRAP constituents in groundwater at IA07 are negligible (i.e. variable around background) and below U.S. Environmental Protection Agency drinking water criteria. Therefore, even if future mining activities were to alter the local groundwater flow pattern, groundwater originating beneath IA07 would not have an adverse impact on surrounding groundwater or the Cuyahoga River.

With regard to the Corps' regulatory authority in this matter, the Corps is limited to activities that would result in a discharge of dredge or fill material into the surface waters of the United States. A pre-application meeting was held in March 2011 with Bradley Road Landfill representatives and Corps Regulatory staff to discuss proposed work. At this point, our Regulatory Branch has not received a permit application for proposed activities at the mine site.

OFFICE: Executive Office

-2-

SUBJECT: Former Harshaw Chemical Company, Concerned Citizen

Again, I would like to express my appreciation for notifying the Corps of this public concern and hope our response provides you the assistance you need. If you have further questions or require additional information, please contact Duane Lenhardt, the Harshaw Site project manager at 716-879-4119.

Sincerely,

A handwritten signature in black ink, appearing to read "S H Bales". The signature is stylized and cursive.

Stephen H. Bales

Lieutenant Colonel, Corps of Engineers
District Commander