

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

State of Ohio, ex. rel. Michael DeWine	:	
Plaintiff.	:	CIVIL CASE No. 1:15-CV-00679
	:	
v.	:	
	:	Judge: Donald C. Nugent
United States Army Corps of Engineers, et al.	:	
Defendants.	:	
	:	

---

**DECLARATION OF  
KRISTY MEYER, MANAGING DIRECTOR OF AGRICULTURAL, HEALTH & CLEAN  
WATER PROGRAMS, OHIO ENVIRONMENTAL COUNCIL**

---

Pursuant to 28 U.S.C. § 1746, I hereby declare as follows:

1. I am the Managing Director of Agricultural, Health & Clean Water Programs for the Ohio Environmental Council (“OEC”), a position I have held since April 2005. In that capacity, I am responsible for developing strategic direction and plans for the department, developing budgets for projects within my department, grant management, building relationships with foundations and donors, managing two full-time staff, and heading up the OEC's Lake Erie campaign personally. As Managing Director of Agricultural, Health & Clean Water Programs I have worked on Lake Erie issues for ten years, including on ending the harmful practice of dumping dredged sediments into Lake Erie. My work requires me to be familiar with OEC’s purpose, organization, and activities, as well as with the environmental interests and related activities and concerns of OEC members.

2. The OEC is a statewide, non-partisan, non-profit, charitable organization comprised of a network of nearly 100 affiliated member groups and 2,811 individual members throughout Ohio. The OEC's mission is to secure healthy air, land, and water for all who call Ohio home. Throughout its 45-year history, OEC has been a leading advocate for fresh air, clean water, and sustainable energy use. Many of our members live and work in the Cleveland area and/or recreate in the waters of Lake Erie. Those members depend on a free flow of commerce in and out of the Cuyahoga River, Cleveland Harbor, and Lake Erie for their livelihoods and/or the economic prosperity of their families and community. Furthermore, these members also depend on the health of Lake Erie, its waters, and its wildlife for their own health and right to enjoy the waters of Ohio's Great Lake.
3. The maintenance of the Cuyahoga River/Cleveland Harbor navigation channel is critical to the economy of Northeast Ohio, as the region relies upon the movement of goods across the Great Lakes navigation system. The responsibility for maintaining these channels of commerce is held by the United States Army Corps of Engineers ("Corps").
4. Dredged sediments from the Cuyahoga River and Cleveland Harbor have for years been placed by the Corps in confined disposal facilities (CDFs), and not deposited in the open waters of Lake Erie due to the toxins in the sediments. However, recently, the Corps self determined that ship channel sediments are now clean enough for open lake dumping, and declared costs for open lake dumping the least costly option and the therefore the new Federal Standard.
5. The initial dispute that gave rise to this litigation between the parties involved the proper method of disposal for the dredged material that would be removed from the Upper

Cuyahoga Navigation Channel. The Corps decided that it would dispose of that material in Lake Erie at a disposal site it identifies as CLA-1, which is a two square mile-area on the bed of Lake Erie, located nine miles north of Cleveland. It is OEC's understanding that the State of Ohio has legal title to CLA-1.

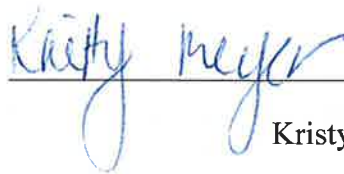
6. Based on its Federally-delegated authority under the Clean Water Act and Coastal Zone Management Act, the State of Ohio determined that placing the DMMU sediment in the open waters of Lake Erie would be environmentally unacceptable because the DMMU sediment contains carcinogenic and otherwise harmful toxins.
7. The OEC remains very much opposed to the Corps' plan for open lake disposal in the Cleveland area due to its dire impacts. Contrary to the Corps' recent determination, dredged Cuyahoga River and Cleveland Harbor sediments are not clean and are not acceptable for disposal in the open waters of Lake Erie.
8. Dredging of the Cuyahoga River and Cleveland Harbor navigation channel is highly important, but need not come at the expense of human and environmental health and the tourism and fishing economies – especially when far more sensible disposal options that are protective of environmental and human health are currently available.
9. In short, open lake disposal of this sediment near Cleveland will increase PCB (Polychlorinated Biphenyl) accumulation in benthic organisms; PCBs will then rise up the food chain to accumulate in sport fish and then humans and birds who consume those fish.
10. Per the Corps' own 2013 Sediment Analysis, sediments from DMMU-1 (one of the listed dredge sites) led to 70% more PCB bioaccumulation in benthic organisms at CLA-1 (the 2015 proposed disposal site). The Corps' estimates maximum PCB bioaccumulation

increase for Yellow Perch and Walleye would be 10% and 20%, respectively. This is a significant increase. PCB exposure can have devastating neurological effects on babies developing in the womb – resulting in lowered IQ, hyperactivity, delayed development and other problems. PCBs also concentrate in the breast milk of nursing mothers

11. It is for the forgoing environmental concerns that I, and the OEC, believe that the sediments in question belong in confined disposal facilities (CDFs).

12. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 20<sup>th</sup> day of April, 2015



Kristy Meyer, M.S.