



## THE BAY CITY TIMES

### Fight brews between DEQ, Army Corps over dredging spoils site

Tuesday, April 08, 2008

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Over the objections of state environmental regulators, local and federal officials plan to start pumping Saginaw River mud into a dredging spoils site this summer on the Bay-Saginaw county line.

The case may end up in court, said Steve Chester, director of the Michigan Department of Environmental Quality.

The DEQ contends the site, which straddles Frankenlust Township in Bay County and Zilwaukee Township in Saginaw County, won't be safe if it's not built with the protections of a slurry wall to impede groundwater flow and a groundwater permit.

"Based on what we know about site conditions there," Chester said, "we have a concern if that project goes forward and there's not a slurry wall, that we're going to have leakage and contamination."

The Dredged Material Disposal Facility, a huge clay pit surrounded by dikes, has been built to hold 20 years worth of navigational dredgings from the Upper Saginaw River, from Bay City's Liberty Bridge south to Saginaw.

Saginaw County purchased 500 acres of farmland for the project. The federal government is paying most of the cost to build the site and dredge the river, to keep freighters from getting stuck and having to lighten their loads.

The county and U.S. Army Corps of Engineers originally agreed to build a slurry wall and seek a groundwater permit for the spoils site. But both agencies are now backing off those commitments, Chester said.

Jim Koski, Saginaw County public works commissioner, said Army Corps studies have shown the site doesn't need a slurry wall.

He contends a groundwater permit isn't needed, either, because Corps' computer models have shown the pit won't leak.

Army Corps officials contend that some DEQ regulations are "merely advisory," according to a letter sent by Chester to Lt. Col. William Leady at the Army Corps office in Detroit.

Chester said the DEQ is still waiting for a response to its letters, sent in late March to Koski and Leady.

"Court is always a choice of last resort," said Chester, a former litigator for the state Attorney General's Office.

"I'd like to think that we still have some opportunity to reach agreement with these folks."

Koski said DEQ officials are being unreasonable.

"We have almost \$4 million to work on the Saginaw River this year, based on a lot of hard work from a

lot of people in Congress and with the Corps of Engineers ..." Koski said.

"If the DEQ wants to stand in the way of that, then they've got to live with that."

Koski said he won't seek a groundwater permit for a federal project, and the Corps has decided it doesn't need one.

Wayne Schloop, chief of operations for the Corps in Detroit, said his agency plans to begin pumping mud into the site this summer, but hopes to work out an agreement with the DEQ first.

"We still feel the upland placement site for the Upper Saginaw River meets our environmental requirements," Schloop said.

As for the possibility of a court fight, "We're pretty confident in our position," he said.

Environmental groups including the Lone Tree Council have fought the site for years, contending it was built in the wrong spot and that Dow Chemical dioxins and other toxics in the dredgings will pose a threat to the public and wildlife.

Pat Bradt, Zilwaukee Township clerk, has been a vocal opponent.

She watched the site fill up with water last week after a storm that dropped more than 1.5 inches of rain.

"It's just a disastrous mess back there," Bradt said. "If it was full, it would overflow."

Some people in the area still get their water from wells, but she's had treated water hauled in since a major flood in 1986.

Koski said the county plans to test wells in the area to establish baseline conditions and the Corps has agreed to put in 14 monitoring wells to make sure contaminants don't migrate off site.

Michelle Hurd Riddick, a Lone Tree spokeswoman, said Corps officials testified in district and federal court that the site would have a slurry wall and groundwater permit.

"It sounds like the Corps is saying they're omnipotent," Hurd Riddick said.

Dow had looked at using the site for a cleanup of dioxins in the Tittabawassee and Saginaw rivers.

The company also agreed to help pay the cost of building a slurry wall, because navigational dredgings are contaminated with dioxins, too.

But Dow has since backed out of the project, Koski said, after wranglings with the DEQ over how extensive the wall should be.

The company paid back the \$211,000 cost for an engineering study for the wall, Koski said. That money will be used to seal up a hole in a dike - left for slurry wall construction equipment - and finish the project, Koski said.

Consultants hired by the Corps found that natural clay in some areas of the site would be weakened by installing slurry walls, Koski said.

There are "sand lenses" on the property - spaces through which water could seep - but Koski said those were plugged when clay on the site was compacted.

Koski said he's shown Corps data to DEQ officials, to no avail.

"It's always, 'Because I say so,'" he said of the DEQ. "They're bullies."

The dredging facility's price tag has swelled to \$5 million, from earlier estimates of \$2 million, according to Koski.

He said that was due to improvements requested by the DEQ.

The project was paid for with money from government grants and the Saginaw River Alliance, funded by businesses including dock owners and Dow, Koski said.

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