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GOVERNOR

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DIRECTOR

January 23, 2008

Mr. James Koski  
Saginaw County Department of Public Works  
111 South Michigan Avenue  
Saginaw, Michigan 48602

Mr. Michael O'Bryan Department of the  
Army Detroit District, Corps of Engineers  
477 Michigan Avenue Detroit, Michigan  
48226-2550

Dear Mr. Koski and Mr. O'Bryan:

SUBJECT: Groundwater Discharge Permit Application, Saginaw Dredge Material Disposal Facility (DMDF), Saginaw County, Michigan

On January 29, 2008, the department (DEQ) received Saginaw County's request to withdraw its groundwater discharge permit application pursuant to the Part 22 Rules of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Please be aware that Sections 3106, 3109 and 3112 of Part 31 of Act 451 state the following:

324.3106 Establishment of pollution standards; permits;

The department shall issue permits that will assure compliance with state standards to regulate municipal, industrial, and commercial discharges or storage of any substance that may affect the quality of the waters of the state.

324.3109 Discharge into state waters;

A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following...

324.3112 Permit to discharge waste into state waters

A person shall not discharge any waste or waste effluent into the waters of this state unless the person is in possession of a valid permit from the department.

Although the discharge of decant water from this facility is to the surface water as authorized pursuant to the 401 Certification, the Part 22 Rules define a discharge as follows:

(i) "Discharge" means any direct or indirect discharge of any of the following into the groundwater or on the ground:

- (i) Waste, (ii) Waste effluent, (iii) Wastewater. (iv) Pollutant, (v) Cooling water.
- (vi) A combination of the items specified in paragraphs (i) to (v) of this subdivision.

The placement of dredge sediments in the storage structure and collection of decant water from the dredge sediments prior to disposal clearly meet the Part 22 definition of discharge, and therefore requires a groundwater discharge permit to legally authorize the storage of dredged sediments from the Saginaw River at this location.

It is the DEQ's position that any disposal of sediments at the facility owned by Saginaw County is a violation of Part 31, and subjects the owner and/or operator to the compliance and enforcement provisions of Section 3115 of Part 31 of Act 451.

Please contact me at 517-373-7262 if you have any questions or wish to discuss this further.

Sincerely,

James R. Janiczek, Chief Groundwater  
Permits Unit Permits Section Water  
Bureau

cc: Mr. Jim Sygo, Deputy Director, DEQ Mr. Richard A. Powers, DEQ Mr. Dave Hamilton, DEQ Mr. George Bruchman, DEQ Mr. Jon Bloemker, DEQ Mr. William Creal, DEQ Ms. Diana Klemans, DEQ Ms. De Montgomery, DEQ Mr. J.B. Beauboeuf, DEQ Mr. Doug Thompson, DEQ