

**From:** James Janiczek  
**To:** William Creal  
**Date:** Fri, Feb 29, 2008 11:34 AM  
**Subject:** Re: Please review '\_Koski\_Withdrawal'

Bill,

As I said before, the only issue I have with your version is that we don't come out and directly say that the permit is withdrawn and these are the consequences. I would have qualified it a bit more with something like (the bold is my new language):

While the DEQ is reluctant to proceed with this withdrawal of the groundwater permit application knowing of the intention of the Saginaw County to proceed with allowing dredge materials from the Saginaw River to be placed in this facility. **we have withdrawn your application.**

The placement of dredge sediments in the facility and collection of decant water from the dredge sediments prior to disposal clearly meet the definition of discharge to groundwaters of the state, and therefore requires a groundwater discharge permit. **Neither Saginaw County nor the US Army Corps of Engineers has, under Michigan law, any legal authority to place dredge materials at this facility.**

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 to the compliance and enforcement provisions of Section 3115 of Part 31 of Act 451.

I haven't heard a word from Rich or Jim about when or if this letter should go out. I ran into Dave Hamilton the other day, and he was telling me that Sygo is in a quandry about what to do because both the Director and governor's office want this to move forward. The only out I see is if we agree with the ACOE position that groundwater monitoring can be substituted for the slurry wall, with a considerably higher number of wells, and then install the slurry wall only if we find something in the wells. That's contrary to the way we normally do business, but geologically the flow is so slow, it probably wouldn't reach any adjacent properties. Tied in with that would be a requirement to install a gravel trench outside the slurry wall to capture anything that had already passed below the perimeter dikes.

Let me know if/when we should get this letter out. Thanks. Jim

>> William Creal 2/20/2008 2:01 PM >>

Please review the attached document. Here is my proposed revision. I basically eliminated all the statute and rule citations. I think this would also address Ruswick's comment.