



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

March 27, 2008

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

Dear Mr. Koski

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

On January 29, 2008, the Department of Environmental Quality (DEQ), Water Bureau, 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). 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 groundwater of the state, and therefore requires a groundwater discharge permit. 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.

By reference, Rule 2189 of the Part 21 Rules of Act 451 states that "Owner or operator means the owner or operator of any facility or activity subject to regulation..." It is the Department's position that either the owner or operator would qualify as a "person" as defined in the Part 22 Rules, and as such, either the owner or operator has the responsibility to obtain a groundwater discharge permit prior to placing dredge sediments in the DMDF. The operator, the United States Army Corps of Engineers, has indicated they will not be applying for a groundwater discharge permit.

Without the issuance of the groundwater discharge permit to Saginaw County, we would like to know how Saginaw County intends to comply with this legal requirement to place dredge materials on county owned property. It is the DEQ's position that any disposal of sediments on the property owned by Saginaw County is a violation of Part 31, and subjects the owner of the property 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,

A handwritten signature in black ink, appearing to read "James R. Janiczek". The signature is fluid and cursive, with the first name "James" being the most prominent.

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

cc: Mr. Michael O'Bryan, USACOE
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