

Brownfield Continuous Program Improvement Workgroup Committee Recommendations

Committee Name: Demolition Lead and Asbestos and Dredging (DLAD)

Issue Statement #3: Dredging

Many brownfield redevelopment projects located on waterfront properties incorporate dredging activities to enhance waterfront access. In many situations, the sediments to be dredged are contaminated and depending on contaminant levels, addressing sediments associated with dredging may qualify as a response activity. Currently, dredging is not an eligible activity under the Department of Environmental Quality (DEQ) Brownfield Redevelopment Program. Clarification is needed on what, if any, aspects of dredging would be considered eligible for DEQ Brownfield Funding.

Specific Action to be Taken:

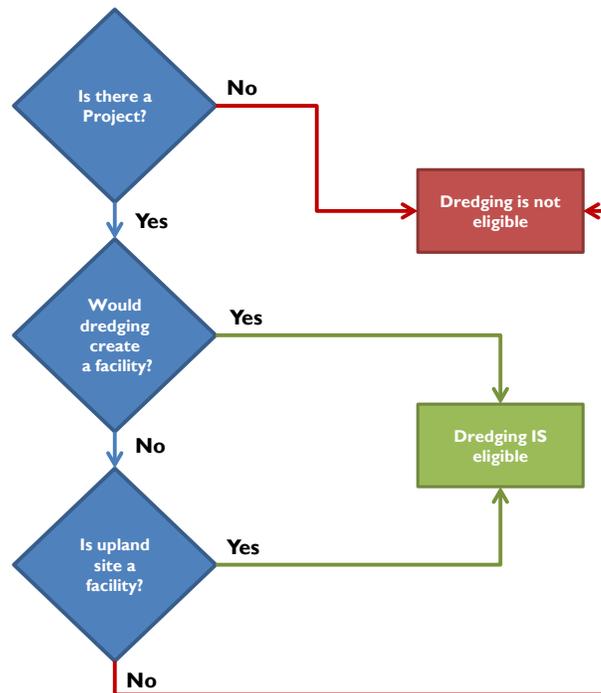
Statutory Rule Policy Governance (Process)

Recommendations:

1. Dredging (as defined by the group as both the act of dredging and the disposal of materials from dredging operations) should be considered an eligible activity for **DEQ** Brownfield-related programs when the following conditions are met:
 - a. If either the adjacent upland property is a facility, or if the soils and sediment to be dredged meet the standards of a facility (and would create or exacerbate a facility by dredging and then depositing those materials on the upland site).
 - b. Dredging activities are tied to a specific economic development project.
 - c. The following flow chart summarizes the recommendation.

Brownfield Continuous Program Improvement Workgroup Committee Recommendations

Criteria for Support of Dredging Activity under MDEQ Brownfield Programs



2. It was also recommended that grant funds not be used as a primary source for support of dredging. It was suggested that these funds might be more appropriately focused on supporting the environment investigations necessary to determine if a site is eligible, after which loans or tax-increment financing could be deployed in support of the dredging work itself.
3. Current Michigan law requires that Clean Michigan Initiative (CMI) funds “shall not be used to develop a municipal or commercial marina.” (MCL 324.19608 (4)) The group recommended that this prohibition creates a conflict with support for dredging activities, and as a result, should be stricken.

Supporting Arguments:

I. Pros:

1. There is an unmet funding need for projects that require dredging.
2. Dredging (both the dredging operation and the removal and disposal of resulting materials) for projects that meet the eligibility criteria, can be viewed as either preventing exacerbation or exercising due care.
3. It was also noted that the MEDC could continue to provide support for dredging activities on projects which meet its own eligibility criteria, and such work could be categorized as site preparation or development of public infrastructure.

Brownfield Continuous Program Improvement Workgroup Committee Recommendations

II. Cons:

1. The demand for funding may exceed the supply of funds if dredging is added as an eligible activity.
2. Many areas in which support for dredging may be needed are not located in Core Communities, and thus have limited access to program support.

Draft Legislative Language (if appropriate):

The following language contained in MCL 324.19608 (4) should be stricken:

Clean Michigan Initiative (CMI) funds “shall not be used to develop a municipal or commercial marina.”

Recommended Follow up Actions (if appropriate):