



**Public Hearing for Melching, Inc.
Permit Application Number 12-61-0055-P
October 1, 2012
Questions and Answers**

What is the purpose of the Public Hearing tonight?

The purpose of the hearing is to secure the views of interested persons concerning the following application for permit:

Application for permit 12-61-0055-P under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, by Melching, Inc., Attn: Doug Melching, 16942 Woodlane Drive, Nunica, MI 49448. The applicant proposes to construct loading platforms in an upland ship basin/dock off Muskegon Lake to facilitate safe commercial operations at 2400 Lakeshore Drive. A 40-foot long by 60-foot wide platform will be installed on each side of the ship basin/dock. The platforms will be supported upland by steel sheet piling installed above the ordinary high water mark, and on 16 bearing piles installed in the ship basin. No dredging is proposed with this project. The project is located in T10N, R17W, Section 34, City of Muskegon, Muskegon County, Michigan.

Where can I get a copy of the permit application for this project?

The application is available for review at the DEQ web site www.deq.state.mi.us/ciwpiis or at the Department of Environmental Quality, Water Resources Division, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503, or by calling 616-356-0500.

How long do I have to provide written comments regarding this project?

The public hearing record will remain open for ten days after the public hearing date. Any written comments to be submitted for the public hearing record must be received at DEQ, Water Resources Division, Grand Rapids District Office, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503 or via email to cuncannann@michigan.gov on or before the close of the record (October 11, 2012).

Under what statute is the Public Hearing being held tonight?

The hearing will be held pursuant to Section 30105 of Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

How are public comments considered in the permit decision?

Only comments pertinent to the authority allowed under Part 301 can be considered in the permit decision.

What are the statutory criteria for this type of project?

In order for a permit to be granted, the DEQ must find that the proposed activities described in the Public Notice meet certain criteria set by Part 301 of Act 451. In general, we must consider the effect of the proposed project on the inland lake.

When reviewing an application for permit under the provisions of Part 301, Inland Lakes and Streams, of Act 451, the DEQ is charged to make the following considerations:

Section 30106 of Part 301 requires that:

1. The department shall issue a permit if it finds that the structure or project will not adversely affect the public trust or riparian rights.
2. The department shall not grant a permit if the proposed project or structure will unlawfully impair or destroy any of the waters or other natural resources of the state.

Public Trust means all of the following:

- The paramount right of the public to navigate and fish in all inland lakes and streams which are navigable.
- The perpetual duty of the state to preserve and protect the public's right to navigate and fish in all inland lakes and streams that are navigable.
- The paramount concern of the public and the protection of the air, water, and other natural resources of this state against pollution, impairment, and destruction.
- The duty of the state to protect the air, water, and other natural resources of this state against pollution, impairment, or destruction.

Riparian Rights mean all the rights accruing to the owners of riparian property (the bank or shore of an inland lake or stream), including the following rights, subject to the public trust:

- Access to the navigable waters
- Dockage to boatable water, know as wharfage
- Use of water for general purposes, such as bathing and domestic use
- Title to natural accretions

What type of format will be used for the hearing?

The hearing will not be a court-type proceeding, witnesses will not be sworn, and there will be no cross examination. Public hearings are primarily informational and are held to encourage the expression of views and presentation of facts.

How do I find out what happens after the hearing tonight?

Following the close of the public comment period, the DEQ will consider all comments received and make a decision on the proposed project. The DEQ will, upon written request, provide a copy of the DEQ's decision on this application. The status of the application for permit which is the subject of this public hearing may be found at www.deq.state.mi.us/ciwpiis.

Can the DEQ stop Melching, Inc. from using the site as a scrap yard?

The DEQ does not have the authority to determine the use of the Melching, Inc. property.

Does the DEQ respond to noise complaints?

The DEQ does not regulate noise and cannot address noise complaints.

Are fugitive dust, opacity or odors regulated by the DEQ?

The Air Quality Division (AQD) of the DEQ has rules that regulate fugitive dust, opacity and odors from the ongoing demolition and scrap yard operations. These rules limit the amount of opacity allowed from the stationary source and the impact of fallout or odors on neighboring properties.

The presence of fallout or an odor is not automatically a violation of environmental regulations. In accordance with state law, an odor must cause "unreasonable interference with the comfortable enjoyment of life and property" and the AQD must conclusively trace it to a specific source to identify a violation. The AQD District staff places a high priority on investigating complaints.

What should I do if I smell strong odors or see fugitive dust or fallout that concerns me?

The Air Quality Division (AQD) of the DEQ is responsible for responding to odor, fugitive dust and fallout concerns. You can contact the AQD, Grand Rapids District Office at 616-356-0500 during business hours. For pollution emergencies, you can call 800-292-4706 at any time (please note this number is for environmental emergencies only).

Does Melching, Inc. need any DEQ permits for emissions from the shipping operations they are proposing?

The DEQ does not regulate mobile sources and has no authority over air emissions from shipping operations.

What is DEQ's role in the redevelopment of the property?

The Remediation Division (RD) of the DEQ offers technical review and assistance in the brownfield redevelopment. With Melching's redevelopment of the former Sappi property, the RD has taken an active role in facilitating discussions amongst the City, the developer and the former property owner to create a successful redevelopment of the property. The RD also oversees the investigation and cleanup activities under Michigan's environmental code.

What current environmental investigative activities are occurring at the property?

Melching, Inc. is currently investigating the property in phases which is acceptable and prudent since some areas are not accessible due to the current demolition operations. The initial phases of investigation included installing monitoring wells at various depths along a portion of the shoreline downgradient of the central area of the property where the majority of the industrial operations occurred.

How long will it take to assess the environmental conditions of the property?

Assessing the full environmental condition of the property will take time because of the size of the property and the fact that it has been an industrial site for over 100 years. The phased investigations will consider the recent and historic activities in each area. The DEQ will work with Melching, Inc., the City of Muskegon, and the community to assure the environmental conditions are addressed and will be protective of the on-site workers, the public, and Muskegon Lake.