

Procedure for Implementing Rule 92 of the
Michigan Water Resources Commission Rules

A. Introduction

The following procedure is for implementation of Rule 92 of the Water Quality Standards. The procedure is designed to bring major dredging activities to WRC attention, minimize disruptions to the existing project review processes, and to address new project proposals requiring 401 certification, and U.S. Army Corps of Engineers projects to be completed under existing 401 Water Quality Certifications.

B. R 323.1092 Applicability of water quality standards to dredging or construction activities.

"Rule 92. Unless the commission determines, after consideration of dilution and dispersion, that such activities result in unacceptable adverse impacts on designated uses, the water quality standards prescribed by these rules shall not apply to dredging or construction activities within the waters of the state where such activities occur or during the periods of time when the aftereffects of dredging or construction activities degrade water quality within such waters of the state, if the dredging operations or construction activities have been authorized by the United States Army Corps of Engineers or the Department of Natural Resources. The water quality standards shall apply, however, in nonconfined waters of the state utilized for the disposal of spoil disposal sites specifically defined by the United States Army Corps of Engineers or the Department of Natural Resources."

C. New 401 Water Quality Certificates

1. A dredging or construction project proposal is received by Surface Water Quality Division staff for review (U.S. Army Corps of Engineers project proposals are routinely reviewed by staff. Projects requiring permits under Acts 346 and 247 are forwarded to Surface Water Quality Division by Land and Water Management Division if the proposed work area contains contaminated sediments.)
2. Staff will review the proposal.
3. The Water Resources Commission will be briefed on the proposed project if:
 - a. The proposed project is a major construction activity (e.g. Confined Disposal Facility) or

- b. Staff determines that a particular project may cause unacceptable adverse impacts on designated water uses, or
 - c. The Commission requests briefing on a specific project.
4. The Commission may determine, based on staff findings, whether the proposed project will result in unacceptable adverse impacts on designated uses and whether water quality standards apply.
 5. If determination is made, then requirements, if any, to meet water quality standards will be included in the 401 Water Quality Certification.

D. Projects Under Existing 401 Water Quality Certifications

1. U.S. Army Corps of Engineers sponsored projects to be conducted under existing 401 Water Quality Certificates are scheduled in the fall preceding the dredging season.
2. The tentative dredging schedule is provided to the Surface Water Quality Division. This schedule includes the project area, anticipated dredging period, estimated volume to be dredged, anticipated dredge type, and the planned disposal area. Areas where contaminants exceed the nonpolluted classification of the U.S. EPA Guidelines for Dredged Material Disposal (1977) (if known) will be identified by staff.
3. Briefings on scheduled projects will be given to the Commission by staff as requested of if staff determines that a particular project may cause unacceptable adverse impacts on designated uses.
4. The Commission may determine, based on staff findings, whether the scheduled project will result in unacceptable adverse impacts on designated uses and whether water quality standards apply.
5. The 401 Water Quality Certification for a given project will be revoked or revised if the Commission determines that water quality standards apply and are not being met.

Approval:

James Grant 3/2/89
Date