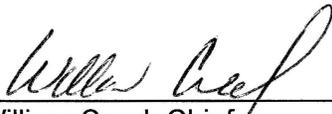


	WATER RESOURCES DIVISION RESCISSION OF POLICY AND PROCEDURE		DEPARTMENT OF ENVIRONMENTAL QUALITY
Rescinded Date: January 28, 2014	Subject: Temporary General Permit for Specified Minor Activities Authorized by the U.S. Army Corps of Engineers in Inland Lakes and Streams in Michigan		Category: <input type="checkbox"/> Internal/Administrative <input type="checkbox"/> External/Non-Interpretive <input checked="" type="checkbox"/> External/Interpretive
	Program Name: Water Resources Program		
	Number: N/A	Page: 1 of 1	

The Water Resources Division's (formerly Land and Water Management Division) Temporary General Permit for Specified Minor Activities Authorized by the U.S. Army Corps of Engineers in Inland Lakes and Streams in Michigan, dated July 28, 2008, is rescinded. This temporary general permit expired on July 28, 2010, and was not reissued.

DIVISION CHIEF APPROVAL:



William Creal, Chief
Water Resources Division

DEPUTY DIRECTOR APPROVAL:



Jim Sygo, Deputy Director



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
LAND AND WATER MANAGEMENT DIVISION**

**Temporary General Permit for Specified Minor Activities
Authorized By the U.S. Army Corps of Engineers
in Inland Lakes and Streams in Michigan**

July 28, 2008

Issued Under Part 301, Inland Lakes and Streams, of the Natural Resources
and Environmental Protection Act, 1994 PA 451, as amended (NREPA),
being Sections 324.30101 to 324.30113
of the Michigan Compiled Laws, Annotated

and

Part 303, Wetlands Protection, of the NREPA,
being Sections 324.30301 to 324.30323
of the Michigan Compiled Laws, Annotated

BACKGROUND INFORMATION

DEFINITION AND PURPOSE

The Michigan Department of Environmental Quality's (MDEQ) Land and Water Management Division (LWMD) and the U.S. Army Corps of Engineers (USACE) have distinct but parallel responsibilities for regulation of dredge, fill, and construction activities in certain waters in Michigan under respective state and federal laws. The MDEQ has determined that it is necessary to limit staff review of certain categories of regulated activities, on a temporary basis, where comparable environmental review and authorization is provided by the USACE.

Therefore, the MDEQ will authorize the specific activities listed in this Temporary General Permit (GP) in applicable waters provided that the USACE provides authorization for the same activity. This GP is limited to the waters identified below, which include those portions of inland lakes and streams that have been identified by the USACE as traditionally navigable waters of Michigan, and over which the USACE retains regulatory authority under Section 10 of the Rivers and Harbors Act of 1899 and Section 404 of the Clean Water Act of 1977.

The MDEQ will authorize the listed activities under Part 301 and Part 303 provided that all of the following requirements are met:

- (a) An application is submitted to the MDEQ on a joint permit application form providing sufficient information for the MDEQ to determine the location of the proposed project, and that the project is eligible under the terms and conditions of this GP; and,**

If it is determined that an application does not meet criteria for processing under this GP, then the MDEQ will complete an environmental review under standard Part 301 and Part 303 procedures using the information submitted by the permit application, and additional information requested from the applicant as necessary. The MDEQ reserves the right to require that a particular project be authorized through the individual permit process if it determines that public review would be beneficial in making a decision on the application, or if it determines that a proposed project could - on its own or in combination with other projects - result in more than minimal adverse cumulative impacts.

Copies of all authorizations issued by the MDEQ will be transmitted to the USACE.

COORDINATION WITH OTHER DIVISIONS AND AGENCIES

Copies of all authorizations made under this GP will be provided to the Michigan Department of Natural Resources' (MNDR) Wildlife Division to facilitate screening for potential impacts to species listed under Part 365, Endangered Species Protection, of the NREPA. The MDNR may contact permit applicants directly should they identify a potential impact to a listed species.

Copies of authorizations for maintenance dredging activities will be provided to the MDEQ's Waste and Hazardous Materials Division to facilitate review in accordance with Part 115, Solid Waste Management, of the NREPA, to facilitate compliance with requirements for disposal of the dredged material and to the MDEQ's Water Bureau to determine the need for National Pollutant Discharge Elimination System permits as necessary. Additional requirements may be imposed under those authorities.

No activity is authorized under this GP until written authorization is received from BOTH the MDEQ and the USACE.

ACTIVITIES THAT MAY BE AUTHORIZED BY THE GENERAL PERMIT

The following activities may be authorized under this GP Category following submittal of an application to the LWMD, provided that the eligibility criteria are met, the activity is limited to the geographic area described in this GP, the project does not include any other components requiring regulatory review by the LWMD, and the project receives authorization by the USACE.

1. Permanent noncommercial piers, docks, and boat hoists.

Eligibility criteria:

- The proposed structure is the only pier, dock, or hoist appurtenant to the applicant's upland property, or is an added boat hoist, or is an extension to an existing dock, pier, or hoist. Second docks or piers on the same property may not be authorized under this GP.
- The length or size of the structure is not greater than the length or size of similar structures in the vicinity and will not unreasonably interfere with the navigability of the water involved.
- Crib docks are not authorized by this GP.
- Design of the structure provides for free littoral flow of water and drift material.

- The structure and any associated fill will not be placed in a wetland area, or placed in a manner that impairs surface water flow into or out of any wetland area.

5. Maintenance dredging.

Eligibility criteria:

- Excavation does not exceed 1000 cubic yards of materials per year for maintenance dredging of areas where dredging has previously been authorized under an MDEQ permit.
- No dredging will occur in wetland areas.
- There will be no disposal of spoils in wetlands or in a floodplain regulated under Part 31.
- One of the following options will be followed regarding testing and disposal of dredge spoils in accordance with permit conditions:
 - (A) All spoil material will be placed in an MDEQ licensed landfill, or in a USACE Confined Disposal Area; or,
 - (B) If the dredge project is **NOT** located on the Titabawassee River downstream of Midland, on the Saginaw River, or in an "Area of Concern" (AOC) as described by the U.S. Environmental Protection Agency located at www.epa.gov/glnpo/aoc/, testing is not required, but the applicant is responsible if the placement of spoils from their project causes the creation of a "facility" under Part 201, Environmental Response, of the NREPA; or
 - (C) If the project **IS** located in an AOC, on the Titabawassee River downstream of Midland, or on the Saginaw River, the procedures contained in Attachment A shall be followed.

Note: Dredging authorized under this GP must be completed by December 31, 2010, regardless of the duration of any associated USACE permit.

6. Watercourse crossings by utilities, pipelines, cables, and sewer lines meeting specified criteria.

Eligibility criteria:

- A minimum of 30 inches of cover will be maintained between the top of the cable or pipe and the bed of the stream or other watercourse on buried crossings.
- Any necessary backfilling will be with washed gravel.
- The diameter of the pipe, cable, or encasement does not exceed 20 inches.
- At completion of the project, any floodplain fill is returned to its original grade.

Note: If all crossings associated with a given project may be authorized under the terms and conditions of this GP, then the MDEQ will waive any coordination requirements associated with USACE Nationwide Permit #12 for the project in question.

13. Dry fire hydrant installations.

Eligibility criteria:

- Installation must be such that the intake line will not interfere with navigability on the watercourse.

14. Storm water outlet structures.

Eligibility criteria:

- Excavation of material for placement of the structure will not exceed 25 cubic yards.
- Placement of fill associated with the structure will not exceed 25 cubic yards.
- The face of the outfall must conform to the side slope and shall not extend into the receiving water to interfere with navigation.

15. Installation of single-family, private boat ramps.

Eligibility criteria:

- The structure is located immediately adjacent to the applicant's upland property and is for the use of the individual riparian lot owner.
- The project will not require excavation of more than 10 cubic yards of material, with all spoils being disposed of in an upland location.
- The project will not require placement of more than 10 cubic yards of fill material, and the width of the ramp does not exceed 20 feet.
- The ramp conforms to existing streambed contours.
- The proposed ramp is not located in a wetland area.

ATTACHMENT A

Characterization of Dredge Spoils for Maintenance Dredging Projects

Applicability

This procedure applies to characterization of dredge spoils from maintenance dredging in Areas of Concerns (AOC) and the Titabawassee River, downstream of Midland, when **BOTH** of the following conditions are met:

- Dredging of the area was previously authorized by a permit issued under Part 301, Inland Lakes and Streams, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); and
- The project generates less than 1,000 cubic yards of dredge spoils/year.

Background

Dredge spoils may be disposed in a licensed Type II or Type III (when applicable) solid waste landfill or a U.S. Army Corps of Engineers confined disposal facility (CDF) in accordance with the facility's waste acceptance protocol. The dredge spoils may be placed on the land only if they are determined to be uncontaminated pursuant to Part 115, Solid Waste Management, of the NREPA, and its administrative rules, R 299.4101 *et seq.* The applicant for a Part 301 permit is obligated to properly characterize the dredge spoils for proper disposal, and must keep a copy of all testing records for a period of five years in case questions arise related to contaminants.

Number of samples:

A minimum of four samples must be collected and analyzed.

Sampling locations:

The sample locations must be spaced evenly over the entire dredge area.

Sample type:

The samples must consist of cores that are taken to project depth and composited according to U.S. Environmental Protection Agency guidance. Each core shall be composited into a single sample. A total of four samples shall be analyzed by the laboratory.

Required testing

- **Dredge spoils are mainly sand:** If applicant believes that the bottom sediments are sand (95 percent or more of the particles remain on a Number 200 sieve), then a sieve grain size analysis must be conducted on a minimum of four representatively sampled sediment samples using the U.S. Standard sieve Number 200. Generally, if the average mass percentage retained on the Number 200 or larger screen(s) is 95 percent or greater, no additional sediment testing is required, **except if the project is on the Titabawassee River, downstream of Midland, or on the Saginaw River, dioxins and furans must be analyzed.**
- **Dredge spoils not mainly sand:** If the applicant believes that the sediments are not mainly sand or if the results from the sieve analysis demonstrate that the sediments are not 95 percent sand, the following parameters must be analyzed on a **totals** basis:
 - 12 Metals (arsenic, barium, cadmium, chromium, copper, lead, manganese, mercury, nickel, selenium, silver, and zinc).

Parameter	Criteria PPM	Parameter	Criteria PPM
Acenaphthene	4.4	Arsenic	5.8
Acenaphthylene	5.9	Barium	530
Anthracene	41.0	Cadmium	3.0
Benzo(a)anthracene	20.0	Chromium	3,500.0
Benzo(b)fluoranthene	20.0	Copper	86.0
Benzo(k)fluoranthene	200.0	Lead	400.0
Benzo(g,h,i)perylene	2,000.0	Manganese	440.0
Benzo(a)pyrene	2.0	Mercury (Inorganic)	0.13
Chrysene	2,000.0	Nickel	88.0
Dibenzo(a,h)anthracene	2.0	Selenium	0.5
Fluoranthene	5.5	Silver	1.0
Fluorene	5.3	Zinc	190.0
Indeno(1,2,3cd)pyrene	20.0		
2-Methylnaphthalene	57.0	Parameter	Criteria PPT
Naphthalene	0.87	Dioxins/Furans	90 TEQ
Phenanthrene	5.3		
Pyrene	480.0		
Polychlorinated biphenyls (PCBs)	4.0		

Any questions should be directed to Duane Roskoskey, Waste and Hazardous Materials Division, Michigan Department of Environmental Quality, at 517-335-4712, or e-mail at RoskoskeyD@Michigan.Gov.