

Michigan Department of Environmental Quality  
Certification under Section 401 of the Federal Clean Water Act

In the matter of:      Navigational Maintenance Dredging of Grand Haven Harbor,  
Ottawa County, Michigan, by the United States Army Corps of  
Engineers

The Michigan Department of Environmental Quality (DEQ) certifies that the dredging proposed by the United States Army Corps of Engineers (USACE) in the Grand Haven Harbor and the discharge of dredged materials dewatering effluent from a dredged materials placement facility (DMPF) located on the Verplank Coal and Dock Company, in section 17, Spring Lake Township, Ottawa County, Michigan, will comply with Section 401 of the federal Clean Water Act and the Michigan Water Quality Standards providing the conditions set forth in this Certification are met. This Certification is based on the USACE's February 5, 2009, Section 401 Certification request and the February 5, 2009, coordination letter.

Certification conditions:

1.      The Grand Rapids District Supervisor, (616-356-0277), Water Bureau (WB), DEQ, shall be notified 48 hours prior to the commencement of dredging operations in Grand Haven Harbor.
  
2.      The dredging operation and the dredged material disposal location shall be restricted to the areas described in the documents referenced above.
  
3.      Open water disposal of sediments associated with this project is not allowed.
  
4.      During dredging, the re-suspension of silt and other fine particles or materials or oils and films shall be minimized by careful equipment operation, and, if necessary, floating booms, silt curtains, or screens and other suitable means.

5. During the period beginning on the effective date of this certification and lasting until the expiration of this certification the USACE is authorized to discharge dredging dewatering water to the surface waters of the state of Michigan. Such discharge shall be limited and monitored by the USACE as specified below.

<u>Parameter</u>	<u>Maximum Limits for Quantity or Loading</u>			<u>Maximum Limits for Quality or Concentration</u>			<u>Frequency of Analysis</u>	<u>Sample Type</u>
	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>	<u>Monthly</u>	<u>Daily</u>	<u>Units</u>		
Flow	(report)	(report)	MGD	---	---	---	Daily	Report Total Daily Flow
Total Suspended Solids	---	---	---	35	70	mg/l	See Part 5. b.	3-Portion Composite
Turbidity (see Part 5. c.)	---	---	---	80	160	NTU	See Part I.A.1.c.	Grab
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
				<b>Minimum Maximum</b>				
				<b><u>Daily</u></b>	<b><u>Daily</u></b>			
Dissolved Oxygen	---	---	---	4.0	---	mg/l	Daily	Grab
pH	---	---	---	6.5	9.0	S.U.	Daily	Grab

a. Monitoring Location

Samples, measurements, and observations for compliance with the monitoring requirements above shall be taken of the discharge prior to mixing with the waters of the state of Michigan.

b. Frequency of Analysis for Turbidity and Total Suspended Solids

The USACE may monitor total suspended solids (TSS) effluent limitations either by direct measurement or by a combination of direct and indirect methods. The monitoring method will determine the frequency of analysis required for each parameter, as described below.

1) Direct Measurement

If the USACE only monitors TSS by direct measurement, the monitoring frequency shall be daily. Turbidity requirements will **not** be in effect.

## 2) Combination of Direct and Indirect Measurement

If the USACE monitors TSS using a combination of direct and indirect methods, the USACE shall monitor turbidity as the indirect measurement. The monitoring frequency shall be daily for turbidity pursuant to 5. c and weekly for direct measurement of TSS. Any exceedance of the turbidity limitations shall be considered an exceedance of the TSS limitations.

### c. Monitoring Requirements for Turbidity

The monitoring requirements for turbidity are in effect only if the USACE uses turbidity to indirectly determine compliance for TSS as described in 5. b. 2. If the USACE does not use indirect methods for TSS monitoring the USACE is not required to monitor for turbidity.

Monitoring for turbidity shall be conducted daily during periods of discharge, shall be representative of the discharge, and shall be analyzed using U.S. Environmental Protection Agency approved methods. A minimum of four turbidity samples are required daily. All turbidity samples shall be collected at equal intervals over the discharge period for that day. An average of the results from all of the turbidity monitoring conducted during the day shall be used to determine compliance with the daily maximum effluent limitation. All daily averages for the month shall be averaged to determine compliance with the monthly average effluent limitation. If the discharge levels for turbidity exceed the limitations, the USACE shall maximize the treatment process as described in the certification request.

The USACE may choose to demonstrate that an alternate site-specific turbidity effluent limitation is appropriate. Such request and supporting documentation shall be submitted to the Grand Rapids District Supervisor, WB, DEQ.

Supporting documentation shall include a calculation of the correlation between turbidity and TSS. If an alternate site-specific turbidity effluent limitation is

approved, the certification shall be modified in accordance with applicable laws and rules to incorporate the alternate site-specific turbidity effluent limitation.

6. The discharge shall not have any unnatural physical properties in quantities which are or may become injurious to any designated uses. Any unusual characteristics of the discharge (unnatural turbidity, color, oil film, floating solids, foams, settleable solids or deposits in wetlands or the Grand River) shall be reported immediately to the Grand Rapids District Supervisor, WB, DEQ, followed by a written report within ten days detailing the findings of the investigation and steps taken to correct the condition(s).
7. The outlet of the DMPF shall convey the discharge in an erosion free-manner to the Grand River.
8. All laboratory sampling results shall be sent to the Grand Rapids District Supervisor, WB, DEQ, at 350 Ottawa, N.W., Unit 10, Grand Rapids, Michigan 49503-2341, within 30 days after termination of the sediment dewatering discharge.
9. DMPF - Changes  
The USACE shall provide written notification to the Grand Rapids District Supervisor, WB, DEQ, within ten days of any change that has or may occur in the structures or operation and maintenance of the DMPF, which may affect compliance with the Michigan water quality standards, or terms, or conditions of this Certification.
10. Right of Entry  
The USACE shall allow the Grand Rapids District Supervisor, WB, DEQ, or any agent appointed by the Grand Rapids District Supervisor, WB, DEQ, upon the presentation of credentials:

- a. To enter upon the USACE premises where an effluent source is located to inspect process facilities, treatment works, monitoring methods and equipment regulated or required under this Certification; and to sample waters or sediments within the DMPF, and/or discharge of pollutants; and
  - b. At reasonable times to view and have copies of any records required to be kept under the terms and conditions of this Certification.
  
11. It is the duty of the USACE to comply with all the terms and conditions of this Certification. Any noncompliance with the conditions or terms of this Certification constitutes a violation of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451) and constitutes grounds for enforcement action or Certification revocation or modification.
  
12. **Civil and Criminal Liability**  
Nothing in this Certification shall be construed to relieve the USACE from civil or criminal penalties for noncompliance, whether or not such noncompliance is due to factors beyond the USACE control, such as accidents, equipment breakdowns, labor disputes, or contractor performance.
  
13. **Oil and Hazardous Substance Liability**  
Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve the USACE from any responsibilities, liabilities, or penalties to which the USACE may be subject under Section 311 of the Federal Water Pollution Control Act except as are exempted by federal regulations.
  
14. **State Laws**  
Nothing in this Certification shall be construed to preclude the institution of any legal action or relieve the USACE from any responsibilities, liabilities, or penalties established pursuant to any applicable state or federal law.
  
15. **Natural Resources Damages and Penalties**

The state reserves the right to seek civil and/or criminal penalties and liabilities under applicable law for natural resource damages that may occur.

16. USACE Rights

Nothing set forth in Conditions 14-17 shall be construed to waive any rights, defenses or immunities the USACE may have.

17. Certifications and Approvals

Nothing herein shall relieve the USACE from the requirement to obtain any other necessary state, federal, or local permits, including other permits from the DEQ, certifications, licenses, or approvals for the DMPF and navigational dredging operations.

Issued this \_\_ day of \_\_ 2009, and shall expire five years from date of issuance.

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Diana Klemans, Chief  
Surface Water Assessment Section  
Water Bureau  
Michigan Department of Environmental Quality