

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

In the matter of:        Navigational Maintenance Dredging of Sebewaing Harbor  
                                  Huron County, Michigan, by the United States Army Corps of Engineers

The Michigan Department of Environmental Quality (MDEQ) certifies that the dredging proposed by the United States Army Corps of Engineers (USACE) in the Sebewaing Harbor (Sebewaing River) and the discharge of dredged materials dewatering effluent from a Dredged Materials Disposal Facility (DMDF) located at the Sebewaing Airport, in Section 8, Sebewaing Township, Huron 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 December 18, 2013, Section 401 Certification request and coordination letter.

Certification conditions:

1. The USACE shall notify Mr. Brian Rudolph, Saginaw Bay District Supervisor, MDEQ, at 989-894-6225, 48 hours prior to the commencement of dredging operations in Sebewaing Harbor.
2. The dredging operation and dredged material disposal location shall be restricted to the areas described in the Section 401 Certification request and coordination letter.
3. Open water disposal of sediments associated with this project is not allowed.
4. During dredging, the resuspension 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, screens, or other suitable means.
5. During the period beginning on the effective date and lasting until the expiration date of this certification, the USACE is authorized to discharge dredging dewatering water to the surface waters of the state of Michigan from the Sebewaing Harbor DMDF. 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 (TSS)	---	---	---	(report)	70	mg/l	See Part 5. b.	3-Portion Composite
Turbidity (see Part 5. c.)	---	---	---	(report)	160	NTU	See Part 5. c.	Grab
Total Phosphorus	(report)	---	---	---	---	---	Weekly	Grab
Outfall Observation	(report)	---	---	---	---	---	Daily	Visual
Equipment Inspection	(report)	---	---	---	---	---	Daily	Visual
				<u>Minimum Daily</u>	<u>Maximum Daily</u>			
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 TSS

The USACE shall monitor 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 monitors TSS by direct measurement only, 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 an indirect, partial substitute for monitoring TSS. 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, be representative of the discharge, and analyzed using United States 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 MDEQ, Saginaw Bay District Supervisor. 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 that are, or may become, injurious to any designated uses as prescribed in Michigan's Part 4 Rules, Water Quality Standards, promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Any unusual characteristics of the discharge (unnatural turbidity; color; oil film; floating solids; foams; settleable solids; or deposits in wetlands, Sebewaing Harbor, or the Sebewaing River) shall be reported immediately to the MDEQ, Saginaw Bay District Supervisor, 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 DMDF shall convey the discharge in an erosion-free manner to the Sebewaing River Navigation Channel.

8. All laboratory sampling results shall be sent within 30 days after termination of the sediment dewatering discharge to: Mr. Brian Rudolph, Supervisor, Saginaw Bay District Office, 401 Ketchum Street, Suite B, Bay City, Michigan 48708.

9. DMDF - Changes

The USACE shall submit a written request for approval to the Saginaw Bay District Supervisor, MDEQ, within ten days prior to any change that may occur in the structures or operation and maintenance of the DMDF, 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 MDEQ, Saginaw Bay District Supervisor, or any agent appointed by the MDEQ, Saginaw Bay District Supervisor, upon the presentation of credentials, to do the following:

- a. 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 DMDF and/or discharge of pollutants.
- b. At reasonable times, to view and obtain copies of any records that are 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 terms or conditions of this Certification constitutes a violation of the NREPA and 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's 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 12-15 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 for the DMDF and navigational dredging operations.

Issued this \_\_\_\_ day of \_\_\_\_ 2014, and shall expire five years from date of issuance.

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