



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



C. HEIDI GREYER
DIRECTOR

**Designation of Inertness #17-I-002
for
Dredge Material**

Pursuant to the provisions of Part 115, Solid Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and specifically Section 324.11553 (2) an applicant for a dredge permit under either Part 301, Inland Lakes and Streams Act or Part 325, Great Lakes Submerged Lands Act (Applicant), is granted a Site Specific Designation of Inertness (Designation) by the authorized representative of the Director of the Department of Environmental Quality (DEQ) for contaminated dredge material (Material). Use of the Material in conformance with this Designation exempts the Material from being a solid waste.

Material that is disposed into a licensed landfill or a Corps of Engineers Confined Disposal Facility is not subject to the conditions contained in this Designation.

This Designation is subject to the following conditions:

1. This Designation is based on testing or knowledge that the Applicant has which demonstrates that the dredge material is not regulated under the Toxic Substances Control Act or as a hazardous waste pursuant to Part 111, Hazardous Waste Management, of the NREPA.
2. The Material shall be used as general fill material on the Applicant's property that is located adjacent to where the Material was dredged.
3. The Material shall not come into contact with the waters of the state of Michigan.
4. The material shall not be placed in a wetland or flood plain without proper authorization by the DEQ.
5. Transportation or use of the Material shall not cause unacceptable visible emissions as defined by Part 55, Air Pollution Control, of the NREPA.
6. This Designation does not apply to Material mixed with other wastes that are not inert as defined by Part 115 of the NREPA.
7. This Designation does not preclude the Applicant from disposing of the Material in accordance with Part 115 of the NREPA at a properly licensed solid waste disposal facility or at an out-of-state facility in accordance with that state's solid waste disposal regulations or in a Confined Disposal Facility operated by the U.S. Army Corps of Engineers.
8. The Applicant shall ensure that the use of the Material does not cause the creation of a "facility" as defined by Part 201, Environmental Remediation, of the NREPA. Activity inconsistent with this approval does not constitute a permitted release as defined in Part 201.


9. The Applicant shall cover the Material with at least six inches of clean soil that can support vegetation within one year of placing the Material.
10. The Applicant shall place the Declaration of Restrictive Covenant (copy attached) on the disposal area within 90 days of completion of the dredge project.
11. This Designation shall immediately become void for any of the following reasons:
 - a. The Applicant does not comply with the conditions of this Designation.
 - b. Additional information demonstrates the Material is causing environmental contamination.
 - c. New state or federal regulations are promulgated that would cause this Designation to be invalid.

A violation of the terms of this Designation is subject to the enforcement provisions of Parts 115, 55, 201, and Part 111 of the NREPA, and other applicable state and federal laws/statutes.

This Designation is effective upon signature.

STATE OF MICHIGAN
Department of Environmental Quality

By:



Rhonda S. Oyer, Section Manager
Solid Waste Section
Waste Management and Radiological Protection Division

Date:

6/23/2017

Attachment