

## **Excerpt from the *Guidance for Delisting Michigan's Great Lakes Areas of Concern***

### ***Restrictions on Dredging Activities***

#### **Significance in Michigan's Areas of Concern**

Twelve AOCs in Michigan have identified restrictions on dredging as impaired or potentially impaired (all except Deer Lake and Torch Lake). This BUI addresses the requirement for special handling or disposal of commercial or recreational navigation channel dredge spoils due to chemical contamination of sediments. This BUI was originally identified for some AOCs based on the existence of contaminated sediments, not on whether there were actual restrictions on dredging in the AOC.

#### **Michigan Restoration Criteria and Assessment**

According to the *Guidance for Delisting Michigan's Areas of Concern* (2007), this BUI will be considered restored when:

- There have been no restrictions on routine commercial or recreational navigational channel dredging by the U.S. Army Corps of Engineers (COE), based on the most recent dredging cycle, such that special handling or use of a confined disposal facility is required for dredge spoils due to chemical contamination.

OR, in cases where dredging restrictions exist:

- A comparison of sediment contaminant data from the commercial or recreational navigation channel in the AOC indicates that contaminant levels are not statistically different from other comparable, non-AOC commercial or recreational navigation channels.

#### **Rationale**

##### **Practical Application in Michigan**

Dredging sediments in the Great Lakes and connected waterways requires state and federal approvals that regulate the extent of dredging, disposal of dredge spoils, and pre-dredge studies. Restrictions on dredging is defined as special handling or use of a confined disposal facility is required for dredge spoils due to chemical contamination. Open water disposal of any clean or contaminated dredge spoils in the Great Lakes or connected waterways is not routinely permitted in Michigan. As a result, use of disposal options (e.g., confined disposal facility) other than open water is not automatically a restriction on dredging. This restoration criterion applies only to the commercial and

recreational navigational channels in the Great Lakes and connected waterways that are maintained by the COE.

#### 1991 IJC General Delisting Guideline

*When contaminants in sediments do not exceed standards, criteria, or guidelines such that there are restrictions on dredging or disposal activities.*

The IJC general delisting guideline for the BUI is presented here for reference. The Practical Application in Michigan subsection above describes application of specific criteria for restoration based on existing Michigan programs and authorities.

#### **State of Michigan Programs/Authorities**

As part of existing planning and regulatory requirements, the MDEQ and the COE evaluate the environmental impacts associated with any proposed navigational dredging and disposal projects.

In assessing restoration of this BUI, the State, in consultation with the COE and the PAC, will conduct an evaluation of the most recent navigational dredging projects in an AOC to determine whether there have been restrictions on the dredging or disposal due to sediment contamination. For those AOCs where there have been dredging restrictions, the MDEQ will coordinate with the COE to evaluate sediment contaminant data from the commercial or recreational navigation channel and compare it to sediment data collected from other, non-AOC commercial or recreational navigational dredging sites. Comparison will be based on those contaminants which are causing the dredging restrictions. Non-AOC comparison sites will be chosen based on geographic similarity, type of navigation channel and dredging time frame. The State will evaluate whether the AOC commercial or recreational navigation channel sediment has statistically higher levels of contaminants than non-AOC reference navigation channels.

Some local AOC communities also have programs for monitoring water quality and related parameters which may be applicable to this BUI. If an AOC chooses to use local monitoring data for the assessment of BUI restoration, the data can be submitted to the MDEQ for review. If the MDEQ determines that the data appropriately address the restoration criteria and meet quality assurance and control requirements, they may be used to demonstrate restoration success.

All non-navigational channel dredging is evaluated under federal and state authorities and any special circumstances are addressed in the permit process, including contamination. These programs apply across the state, not just in AOCs.