

Lake Macatawa Watershed Agreement Reduction of Phosphorus Loading

May 1, 2000

This agreement is between the State of Michigan Department of Environmental Quality (MDEQ), Surface Water Quality Division, and the attached signatories.

We the undersigned acknowledge the importance of Lake Macatawa and its tributaries as valuable water resources for the residents, aquatic life, and the wildlife in the watershed.

1. As identified in the document titled "Total Maximum Daily Load for Phosphorus in Lake Macatawa" (TMDL document) published January 20, 1999, by the MDEQ, nonpoint source phosphorus loadings account for the vast majority of the present annual phosphorus load to Lake Macatawa. In 1997, nonpoint source loads accounted for 91 percent of the total phosphorus load.
2. To improve the resource and achieve attainment of Water Quality Standards, phosphorus levels must be reduced.
3. Nonpoint source dischargers of phosphorus in the Macatawa watershed have agreed to pursue a significant reduction in nonpoint source discharges of phosphorus in the watershed under a voluntary program. Nonpoint source discharges of phosphorus occur from a variety of rural and urban land uses in the watershed.
4. Nonpoint source dischargers of phosphorus in the Lake Macatawa watershed agree to implement a voluntary watershed wide strategy titled, "The Macatawa Watershed Project", Nonpoint Source Phosphorus Reduction Plan for the Macatawa Watershed 1999-2000* dated October 21, 1999, for the reduction of nonpoint source phosphorus loading to Lake Macatawa. In addition, all nonpoint source dischargers agree to provide assistance, resources, and the coordination of local efforts to assist in this watershed wide strategy.
5. The majority of the current point source phosphorus loadings are from four (4) facilities. As identified in the January 20, 1999 TMDL Document, the MDEQ agrees to:

Propose and support the current National Pollutant Discharge Elimination System (NPDES) permit limitations for phosphorus listed in the following table for the following four point source dischargers for each re-issuance or modification of their respective NPDES permits, until the expiration of this agreement. Upon expiration of this agreement, it is the MDEQ's position that the point source permit limits for phosphorus loadings may need to be revised if this voluntary agreement is ineffective in achieving the goals of the TMDL.

Permittee	Permitted Monthly Average Load	Monthly Average Concentration
Holland WWTP	58 lbs/day	---
Zeeland WWTP	14 lbs/day	1 mg/l
Mead Johnson & Co.	5 lbs/day	---
CDR Pigments	6 lbs/day	1 mg/l

6. The permittees listed in #5 above agree to put forth reasonable efforts to keep within the combined wasteload allocation of 20,000 pounds of phosphorus per year from point source discharges as identified in the TMDL Document.
7. All parties agree to meet semi-annually in May and November to:
 - a. Discuss overall and individual performance and activity directed towards meeting the phosphorus goals identified in the TMDL Document
 - b. Review the watershed wide strategy and recommend modification for improving implementation, and
 - c. Review data and information developed through the continued studies to be conducted pursuant to paragraphs 9 and 10 below
8. An annual report shall be submitted by the Macatawa Area Coordinating Council (MACC) to the MDEQ and all other parties to this agreement on or before November 1st of each year, summarizing the progress made towards meeting the phosphorus goals identified in the TMDL document.

The report should include the following:

Summaries from the semi-annual meetings
Progress made on each item identified in the strategy
Changes in the strategy in response to new challenges
Local successes in phosphorus control
Summary of the point source phosphorus effluent data and control methods
Summary of any locally derived watershed monitoring data, including trend data as implementation proceeds

- The MDEQ agrees to continue monitoring water quality in Lake Macatawa and at the six tributary stations where phosphorus loads were previously determined, as resources allow. The exact monitoring locations are identified in the MDEQ staff report number MI/DEQ/SWQ-98/015. Minimum monitoring frequency will be monthly for six months per year at each site. The MDEQ will prepare a report of the annual sampling results by May 1st of each year. The report will be distributed to all parties to this agreement.
- The parties agree that further study may demonstrate designated use attainment in the watershed even if phosphorus levels are not reduced as contemplated in the TMDL Document. The undersigned agree to discuss the support of continuing study of the water quality parameters and develop endpoints for the phosphorus reduction program.

The study should include, but not be limited to, the following:

Continued monitoring of ambient phosphorus levels
Establish baselines and endpoints for relevant warm water fish species and other indigenous aquatic life and wildlife
Study and quantify phosphorus contributions from accumulated sediments
Evaluate other causes of water quality impairment
Establish relationship between phosphorus reduction and water quality improvements

- Any party may terminate its involvement in this agreement. Notice of such termination shall be given in writing to all other parties prior to the effective date of termination.
- This agreement shall be treated as an integral part of, and not severable from, the TMDL Document. This agreement is contingent upon the United States Environmental Protection Agency's approval of the TMDL.

This agreement shall expire on April 1, 2009. The parties to the agreement may renew it on the basis of agreement.

The following signed this agreement into effect:

David Hamilton, Chief Surface Water Quality Division
Michigan Department of Environmental Quality
1/10/2001

Albert H. McGeehan, Mayor
City of Holland
12/13/2000

Les Hoogland, Mayor
City of Zeeland
10/23/2000

Thomas R. Ward, Vice President Global Integrated Supply Chain
Mead Johnson & Co.
3/22/2001

Dolores Peters, Environmental Health & Safety Manager
CDR Pigments
11/09/2000

Keith Potter, Supervisor
Fillmore Township
11/21/2000

Terry Nienhuis, Supervisor
Holland Charter Township
11/10/00

Gene Berghorst, Supervisor
Laketown Township
10/23/2000

Stuart Visser, Supervisor
Park Township
10/17/2000

Gordon Ellens, Supervisor
Zeeland Township
10/03/2000

*Based on current authorized flow.