



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GAYLORD FIELD OFFICE



DAN WYANT
DIRECTOR

January 29, 2014

CERTIFIED MAIL – RETURN RECEIPT REQUESTED

Mr. J.R. Anderson
Village at Grand Traverse, LLC
3805 Edwards Road, Suite 700
Cincinnati, Ohio 45209

Violation Notice #**VN-005987**

Dear Mr. Anderson:

SUBJECT: Violation Notice, Natural Resources and Environmental Protection Act,
Grand Traverse Town Center Construction Project, Acme Township, Michigan

On November 24, 2014, staff from the Department of Environmental Quality (DEQ), Water Resources Division (WRD), conducted a Storm Water Construction Reconnaissance Inspection at the Grand Traverse Town Center Construction Project (hereafter Site), located at M-72 and Lautner Rd, Acme, Michigan 49610. The Purpose of this Inspection was to evaluate the Site's compliance with Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended, MCL 324.3101 *et seq.*, and the Administrative Rules promulgated there under (hereafter Part 31), specifically, R 323.2190, Permit-By-Rule of the 1979 Administrative Code; and your National Pollutant Discharge Elimination System (NPDES) Notice of Coverage (NOC) No. MIR112950, issued on June 26, 2014; and compliance with Part 91, Soil Erosion and Sedimentation Control (SESC) of the NREPA, 1994 PA 451, as amended, MCL 324.9101 *et seq.*, and the Administrative Rules promulgated there under (hereafter Part 91).

Mr. Justin Bragg, WRD, conducted the inspection of the Site with participation from Mr. Mike Potter, Horizon Environmental. The purpose of the inspection was to verify SESC measures were installed according to the approved soil erosion plan, being maintained properly, and if the controls were adequate to prevent discharges of sediment off-site onto adjacent properties and/or into waters of the state. A discharge of sediment-laden storm water off-site and into waters of the state is a violation of Part 31, Part 91, and the Site's NOC. The following violations were found during the inspection:

1. A channelized discharge of sediment-laden storm water was observed entering Acme Creek to the north of the slow release channel of basin two. This is a violation of Part 31, Part 91, and the Site's NOC.
2. There was also a discharge of sediment-laden storm water to an adjacent property owner's storm water pond. The pond is located northwest of the Site, this discharge results in a violation of Part 91.
3. DEQ staff also observed significant track-out from the main entrance of the site on M-72. This is a violation of the Part 31, Part 91, and the Site's NOC.

The Village at Grand Traverse, LLC is expected to immediately take all necessary and otherwise lawful actions needed to achieve and maintain compliance with Part 31, Part 91, and the terms and conditions of the NOC. Please note, however, that the Village at Grand Traverse, LLC or its authorized agents are expected to obtain any state, local, or federal regulatory approvals and permits applicable to any actions taken to bring the site into compliance, from the appropriate agencies.

In addition, please submit a written response to this Violation Notice. Please send this response to Mr. Justin Bragg, Gaylord Field Office, with a copy of the response to Mr. Brian Jankowski, Cadillac District Office, 120 W. Chapin Street, Cadillac, Michigan 49601-2158, by **February 12, 2015**. At a minimum, the response shall include:

- A Corrective Action Plan (CAP), with schedules, that identifies steps taken, and/or to be taken to immediately cease the aforementioned violations and to prevent further discharge of soil-laden water from the site to either regulated wetlands or any other waters of the state. The DEQ understands that an up-to-date CAP was submitted January 22, 2015; however, that CAP did not address all areas of violation noted above. This CAP should include a detailed description and compilation of activities undertaken to date, and those planned for future implementation, to prevent another discharge of any type of soil-laden water, or soil from leaving the site and entering adjacent properties, wetlands or surface waters. Please provide photos, if appropriate, to demonstrate the placement of or effectiveness of SESC measures that have been implemented subsequent to this Violation Notice.

If you have any factual information you would like us to consider regarding the violations identified in this Violation Notice, please provide them with your written response.

Please be advised that compliance with the terms and conditions of this Violation Notice does not constitute a release or waiver of liability for past or continuing violations of Part 31, Part 91, or the Site's NOC, or other statutes, if applicable. Please be further advised that the DEQ reserves the right to require additional activities, including restoration activities in Acme Creek and its floodplains, wetlands or Grand Traverse Bay, along with other possible corrective actions as identified by WRD. The DEQ also reserves the right to take additional or escalated enforcement action and levy fines and penalties with regard to past, continuing or future violations.

We anticipate your cooperation in resolving this matter. Should you require further information, or if you would like to arrange a meeting to discuss these matters, please contact me directly at 989-705-3438; braggj@michigan.gov; or DEQ, WRD, Gaylord Field Office, 2100 W. M-32, Gaylord, Michigan 49735.

Sincerely,



Justin Bragg,
Environmental Quality Analyst
Gaylord Field Office
Water Resources Division

cc: Mr. Mike Masterson, DEQ
Mr. Bill Larsen, DEQ
Mr. Barry Selden, DEQ
Ms. Karen Boase, DEQ
Mr. Joseph Haas, DEQ
Mr. Brian Jankowski, DEQ
Mr. Pete Bruski, Grand Traverse County CEA
Mr. Jay B. Zollinger, Acme Township Supervisor
Mr. Steve Schooler, Director of Construction
Mr. Terry Boyd, Gourdie Fraser
Mr. T. Eric Ritchie, Team Elmer's
Mr. Steve Folkersma, Team Elmer's

