



ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Thursday, October 2, 2014, 6:30 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE AT 6:30 p.m.

Members present: J. Aukerman, C. Dye, A. Jenema, G. LaPointe, D. White, J. Zollinger
Members excused: P. Scott (working)
Staff present: J. Jocks, Legal Counsel
N. Edwardson, Recording Secretary

Zollinger welcomed everyone and stated that we will open for public comment in a little while. Zollinger stated all Acme Township officials take the recent 09/21/14 occurrence very seriously when a major rain storm dropped about 3' of rain and we experienced runoff into the Acme Creek from the GTTC site. Zollinger wanted to inform the residents of the actions being done. There was a meeting on 10/01/14 to review the status of the recent events. In attendance were representatives from DEQ, Gordie-Fraser, Elmer's, VGT, Grobell Environmental, GT County Soil Erosion, Gosling Czubak, Acme Township, Rockford Construction and Meijer. The objective of the meeting was to insure that the necessary actions were identified and implemented to further secure no more soil erosion into Acme Creek.

We reviewed what happened during the last two rain events and what actions have been taken to date based on Grobell's 7/4/14 site visit and letter dated 7/14/14. Grobell also visited the site on 9/22/14. Zollinger said all soil erosion compliance notices issued by Bruski, GTC Soil erosion office have been addressed and repairs have been completed. Zollinger received a report tonight at 6:00 p.m. that additional silt fences have been installed during the rain. NPDES reports have been filled in and are on file at the Elmer's construction office on site. Discussions were held concerning storm water basin # 1 (South of Meijer's main road) and # 2 (by the internal roundabout) designs as being inconsistent with best practices and the approved plan. Gordie-Fraser, VGT team, King & MacGregor and Grobell environmental and Beckett & Raeder will be meeting soon to develop a revised design to meet the SUP requirements.

A. LIMITED PUBLIC COMMENT:

J. Heffner, 4050 Bayberry Lane, stated he would really like to know where the failure was in this process. He sat through many Planning Commission meetings when Chris talked about how he had designed a retention system that the DEQ would not need a permit because there would be no overrun into Acme Creek. Heffner realizes that there are construction process and he does have faith in the developer, but was it a matter of not updating regulations because of global warming, frequency of the high volume rains, or the developer not implementing the engineering.

T. Hanson, 6142 Gilbert Ave, has 240' frontage on Acme Creek. He watches the "ebb and flow" of the creek all the time. He doesn't always understand what is happening but is concerned in the future when there is pavement and the project is completed he does not want to see an oilslick go by his house.

J. Stinson, Peaceful Valley, thought it was interesting that the grass covering was all stripped away. He would like to see more coverage in the long run.

V. Tegel, 4810 Bartlett Rd, former planning commissioner during review and subsequent approval of the GTTC Special Use Permit. Virginia ask to speak for more than the normal 3 minutes and stated she had timed her speech to about 7 minutes. She started out with a question about were the problems experienced on the VGT property was there an error in design. She then stated some information about Acme spending about 10 Million on shore line, and in our latest Township survey 83% residents a concern about our water quality. The present board ran on a platform of Economics. In our area a study was done that shows 4 Billion dollars is added to the area economics to support boaters. Virginia stated she is very concern about an agenda item at the October 7, 2014, board meeting about a minor amendment being approved for the VGT property. Virginia ask why her memo

wasn't added to board package and Supervisor Zollinger stated it was received after the board package went out but Board members did receive a copy tonight. Virginia went on to state much time was spent on the VGT planning process, there as a lot of mass earth work involved to construct roads required under Phase 1 and it was required to be designed for back to back 100 year storm events. Is water sampling being done and supervisor Zollinger stated that, Tom Henkel does this monthly. She invited the board to join her in water quality testing she does under the Adopt a Stream program. Virginia referred to the DEQ permit and drawings showing basins and if any changes are required who approved. Virginia closed in stating she believes she has earned the right to visit the site.

R. Babcock, 4261 Bartlett Rd, thanked residents along the shoreline and Acme Creek for the concern for the recent runoff to the creek. She had three questions she would like answered, 1-What is the clean-up plan? 2- How much mud when into the creek? 3- Who will pay? Babcock also expressed she is not in favor of the minor amendment to the VGT property that is on the next Board meeting.

B. Kelley, 4893 Ridge Crest Dr, read a prepared statement into the record (attached to minutes)

C. Abernethy, 4312 Westridge Dr, expressed her frustration with the recent events. She has attended many Planning Commission meetings regarding stormwater and this development and was told that the creek was being protected and nothing would happen. Obviously nothing happened! Abernethy now has questions – 1. Was this incompetency? Was this cutting corners or blatant disregard for the permits involved?

Closed Public comment at 7:00 p.m.

B. APPROVAL OF AGENDA:

Motion by LaPointe, seconded by Jenema to approve the agenda as presented. Motion carried by unanimous vote.

C. INQUIRY AS TO CONFLICTS OF INTEREST: None

D. CORRESPONDANCE: Received and filed

1. Letter from resident, Bob Garvey, 6377 Deepwater Point
2. Letter from Concerned Citizens of Acme Township dated 9/29/14

E. NEW BUSINESS:

Communications to public and discussion on status of soil erosion run off issues to Acme Creek on 9/21/14.

Brian Jankowski, DEQ, Cadillac District Supervisor, Water Resources Division: My staff on 9/5 received a call from a concerned citizen, following our protocol we are the primary agency and law that works with soil erosion and sedimentation control from construction sites which is called Part 91 administered by the county enforcing agent. The following week we received some feedback from the county enforcing agent that they had visited the site and taken some actions and the feedback was that things were addressed. Subsequently another event occurred so we have a staff person that deals with the construction stormwater program and also works with the County enforcing agent and other local agencies, that person was Justin Bragg, from the Gaylord office who did some fieldwork with the County and found some concerns and directed the County to take some corrective actions. That has been the DEQ involvement to date. I want people to understand the primary law that deals with soil erosion from construction sites (Part 91) is administered by the County, they have primary responsibility. Our involvement beyond that deals with a construction stormwater permit which falls under a notice of coverage, which means that the DEQ does not do a review of any plans ahead of that process. That application the developer files, pays a fee and receives a permit which is called a notice of coverage. They are responsible for the result of that. DEQ does not do any review of any plans or any stormwater control through that process. Paperwood is basically exchanged in Lansing. They now have a permit to comply with which they should not have a discharge of anything that is injurious to the waters of the State. Obviously in this case that did not occur so we are pursuing the project in that regard. DEQ is looking at what happened in the creek as a result of the rain event. Basically that program falls into a response program when there is a problem DEQ goes out

and deals with it but not a lot of our involvement ahead of that. We will continue to monitor the site and if there continues to be a problem we will purpose escalate enforcement against the landowner.

J. Stinson: Asked who was the county enforcer?

Jankowski: Pete Bruski, Soil Erosion Inspector

Ruggirello: Have you had other reported events in September like this in other surrounding areas?

Jankowski: Not that I am aware of...although on 9/5 there were complaints throughout the Watershed

R. Babcock: What is your approach to these situations besides monitoring?

Jankowski: First thing is to reference County enforcement agency, get the site under control, and some kind of enforcement if it was deemed necessary. Justin Bragg would be involved.

Babcock: Time schedule? For control?

Jankowski: There are problems at this site and will not be solved immediately. We are looking at other expertise for additional direction. There are serious issues with runoff. Ultimately the property owner will be held responsible. Our enforcement process takes time, I would ask you to be patient. We just don't run out and issued a ticket.

Trustee, LaPointe :Would this be a major issue with long term impact on the bay?

Jankowski: There are worst things that could happened. Concerns with soil particles being discharged in the creek, aesthetics and visual, e-coli system. Heavier materials like sand and gravel could be worst. Clay presents extreme problems now that it has been exposed, hard to control until seeding is down.

T. Phillips, 2986 Wild Juniper Tr: Two incidents ongoing, but not totally corrected. Any fines being levy against anyone?

Jankowski: Not at this time but not off the table....long process...DEQ would issue a violation notice, wait for response from the property owner, negotiate settlement, if not able to then it would go to Lansing.

Zollinger brought discussion back to the Board for questions/comments for Jankowski.

Board comments

LaPointe: Still have confusion on the change of command. You have said that DEQ and the County can each run on their own....Who has the lead?

Jankowski: Usually DEQ would except when you are talking about soil erosion/Have not spoken with the County on any enforcing at this time. State says that Part 91 is to be administrated by the county enforcement Agency and the State of Michigan oversees their auditing and programs. Getting one voice from one level of government when Part 91 is involved is probably not going to happen.

Jenema: There was a meeting on 10/1 with soil erosion and DEQ. Did you communicate with them?

Jankowski: No, I did not, but Jason Bragg has been on the field site with them/Soil erosion should take the lead role.

Aukerman: I look at this as 6 questions in my mind.....Who owns this problem? What are the priority issues to be resolved urgently? Who is the expert – the leader of the team? What is the timing and monitoring process ? Action plan? and how will this be communicated?

LaPointe: Asked if any representatives of the county present?

Zollinger: No...I believe not.....Zollinger commented that different people are of the opinion that we need to bring in some independent contractors to look at this. Information on one such firm was on the table.

Grobell: Stated that he wanted to make it very clear that he is very frustrated on all levels with this situation. He has not been working on this project in a fashion where he periodically was to run out to the site. John I called and asked him to visit the site/He did and wrote up his comments. Again he has not been involved in the process since the approval of the site plan and SUP. A few things...silt fences system was not designed/ basins built were not anything like the conceptual design and there is a need to stabilize the site by seeding all areas which have been disturbed.

Since the meeting on 10/1 the basins will be built the way originally planned/cover the site/grass everything possible and Grobell will visit on a regular bases every week. The creek will be monitored weekly based on what Grobell had suggested to sample for/So that we have a record of what the future holds/Repeat the biological studies to see what the damages were. There was damage/this is very significant/if you are going to enforce this is where you start/Why pass something if you are not going to enforce? Two things to keep in mine.....What are best managing practices, the manual or common sense? And.. do we build to the county ordinance? Which is a 25 year storm plan? Or do we do something better.

Grobell: We are on the right track. I personally am sorry for what happened. It should not have.

LaPointe: Nothing you have said surprises me/ this project when on for 10 years or more/My take on this is to get

it fixed/and after the issues are settled then if fines need to be issued we do it then.

Jenema: We need someone working on our behalf/ talk the lingo and communicate with the Board/Make sure we are communicating/Biggest development since the resort

LaPointe: How are we going to cover the additional costs/would like to see a discussion of this at some point/ LaPointe would like to see John I at the October 7th meeting

Zollinger: Will contact John I to see if available.

S. Stinson, expressed his concerns about the laws that govern sites with runoffs

Ken Petterson, Attorney for VGT/GTTC the developer did convey some thoughts about the design plans which were approved and reviewed and built as approved by Township consultants. He felt we needed to move forward and discuss what is being done by his Client and the Engineers and Team Elmer's to correct issues about run off. He said Troy Broad from Team Elmer's was present and would like to hear from him on actions taken to date.

Troy Broad, President of Team Elmer's spoke like most of us he lives here and cares about the Bay and wants to assure all that he understands our concern about the Bay and run off from the site. He described the run off like coffee with cream added. His company is doing many things to get these problems stopped. He has had about 30 to 40 Team Elmer's folks on site around the clock adding mulch blankets to slopes and seeding both ponds are now completed, There are site safety issues and it's not open to the public. They are dealing with large rain events. Troy ask Justin Braggs, from DEQ about any sediment issues into Acme Creek today. Braggs stated there were none. Questions were ask by Board member Jenema about inspections around any rain event. Troy explained the site storm water manager is a employee of Gordie Fraser and his logs are kept in the onsite trailer. Also Pete Bruski of County Soil erosion has been on site many times. Supervisor Zollinger provided a copy of the storm event logs and stated they are available.

J. Elliott, Gordie-Fraser. President spoke also and expressed his concerns and let the public know they were doing all they could to find resources and expertise to assist them in using intuitive methods to resolve the problems with the clay on the site. Things were designed around local storm water erosion ordinance with calculations ran on the hydrological design of retention areas and approved by Becket and Raeder engineering consultants. Joe thought the most critical issue is the stabilization of the site, when you have a large site with open soils this contributes to issues we have experienced. Joe said probably one thing which contributed the most was seeding and a more quick installation of mulch mattings. As of tonight about 70% of the site is seeded and the recent good weather help get that accomplished. Joe was ask a question about this site soil having a perkable quality and Joe answered it did not.

Steve Smith did address that the developer will work with the township to look at redesign of basins to meet our original approved conceptions design plan in the SUP.

Actions

It's been suggested to the board to have an independent consultant, J. F. New, review the plans and design and see if it meets our original approved process. Trustee LaPoint stated he was always concern about adding more people at this time. Developer said it was built to Acme Twp SUP as built today. The question is it?

Council Jocks answered that question with a conceptual design by King and McGregor, a step down wet land system was approved and in September 2012 someone changed that design once the hydrological modeling was done but was never approved properly by the Township. It's also Jocks belief that as of 10/1/2014 yesterday's meeting that the developer and engineering design folks have agreed to set down and make sure the design and build will meet the Townships original SUP requirements.

Site visits weekly will be performed by the Township Engineers and Consultants and their reports will be put on the Acme web site for all to see. (This is under Planning drop down menu GTTC)

Trustee La Point requested a report be provided to the Board at every meeting in a summery format so the layman can understand. This will be provided by John I/Becket &Raeder.

It was suggested that John I be at the next board meeting 10/7/14 so he can make a presentation on how we should proceed on inspection and reporting.

Closing Public comments

J. Stinson, Peaceful Valley, stated he had a few closing thoughts going forward. Township should consider when granting permits there are so many laws at state and local level, the township hires a consultant to assist them, a permit was issued so where does the fault lay. Also we need a design plan for a 50 year rain event not the 25 year as designed.

Kelley: Would like to see weekly updates on the website or a blog. Also there is a question when the second basin was complete, Steve Folkersma, from Team Elmer's said it is complete but the weather has made it hard to get the liner in the basin. It is done now. Kelly also asked Grobell about the PPT plan and is it available. Grobell stated he hasn't seen it, the plan could exist but he just hasn't seen it. The PPT plan is about runoff of pollutions from parking areas, roads. There is a plan for the Meijer parking area.

Kevin McElyea, Drain commissioner/GT County thought the sharing and meeting was great but concerned about the County making the decision to split soil erosion from the Drain Commission office.

V. Tegel: Thanked everyone for their candor tonight and the approaches that will be taken, especially the communication. She stated she feels a huge violation of trust, still questions who is responsible to review storm water logs and still concerned the County won't respond to her call.

Zollinger thanked everyone in attendance.

ADJOURNED 8:50 pm

To: Acme Township Trustees
From: Brian Kelley
Date: Oct 2, 2014

Good Evening,

I have been an Acme Creek user for 30 years. I rode the bus each day up Lautner road and M72, along the VGT site.

When people ask me about our township supervisor, I tell them he is doing a good job, that he is congenial, responsive and easy to deal with. So it pains me to criticize him, and our township, today.

This Developer, this County, and this Township have failed to protect our creek and bay.

Why must I read news about this from the newspaper and not get it directly from my township? Why is the status of this situation not being reported daily on our website? Why must community members FOIA documents to get status? The developer has been sending daily status updates on this situation but they are not being shared with the public.

In July the Township residents paid for a consultant to inspect the VGT site. He found numerous deficiencies. That report was kept quiet, but I have attached it to my comments. It was not shared with the board and it was not shared with the community that paid for it. Even after the Sept 5 Creek fiasco, that report was withheld. That is unacceptable. This board must take action so that future reports are pro-actively shared with the community via the township website. That should be mandatory.

Had that report been shared, we very well might have averted these multiple fiascos.

But Dr. Grobbel said in the Record Eagle that the needed changes had not been made and that there "would have had far less or no impact if they had taken those recommendations seriously."

Why did the Township not follow up on this? They did nothing. No one from the Township bothered to verify that the changes had been made. Dr. Grobbel was ignored.

I walked that site on Sunday and have photographs of countless silt fence deficiencies. On Wednesday I again checked the site and the deficiencies remained. Those look like the same issues identified by

Dr. Grobbel in July.

When I visited the site today, I saw workers. When I approached them I was told by Steve Folkersma that the owners did not want anyone on the site due to bad press, and that I had to leave. I wish I could have seen the site improvements and the storm water controls working properly, because I would like to report that to you today.

There has been a failure at all levels to protect our most important resource in this community. We have been unable to rely upon those we pay to inspect this site and protect our creeks and beaches.

One thing I did see while at the site was a pump discharging water from a sewer and pumping it toward the creek. I have photos of that.

On September 24 The county Director of Soil Erosion said "It is apparent that the project manager was not properly monitoring the actual site conditions and ensuring the contractor had installed the erosion control measures in the proper sequence. The contractor did not have Basin #2 completed and runoff had been diverted from entering the basis thus causing the silt fences to become overloaded during the last storm." This letter is included in my comment.

This was not "mother nature". This was a developer who assured this community the trout creek and bay would be protected but then did not complete essential elements of the plan. Time and again they asked for changes to the plan to accelerate construction of the store, while they ignored the threat to the creek.

This topic should be a standing agenda item at the start of our future board meetings. The public should be able to ask questions at that time.

Thank you,

Brian Kelley



Grobbel Environmental & Planning Associates

P.O. Box 58 Lake Leelanau Michigan 49653

July 14, 2014

Mr. John Iacoangeli
Beckett & Raeder, Inc.
101 William St., Ste. 101
Ann Arbor, Michigan 48103

RE: Review of Soil Erosion Control Measures GTTC, M-72 Highway, Acme, Acme Township, Grand Traverse County, Michigan.

Dear Mr. Iacoangeli,

On July 4, 2014 I performed a site inspection to assess the effectiveness of soil erosion control measures being implemented at the Grand Traverse Towne Center (GTTC) in Acme Township, and offer the following comments.

- 1) **Silt Fence – Eastern Portion** – As shown in Photographs # 1 through #4, below the silt fence has not been properly installed, i.e., not properly toed-in in many locations and not properly connected at one location (see Photograph #4) at the eastern portion of the GTTC site. It is recommended that the silt fence be re-installed and/or repaired in these locations. See Photographs #1 through #4, below.



Photograph #1: Eastern portion of the GTTC property, showing improper installation of silt fence. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

Environmental and Planning Consultants
phone 231-499-7165 grobbelenvironmental.com



Photograph #2: Eastern portion of the GTTC property, showing improper installation of silt fence. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #3: Eastern portion of the GTTC property looking westerly. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #4: Eastern portion of the GTTC property, showing improperly connected silt fence sections. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

- 2) **Wetland Basin & Grassed Waterway – South-central Portion of the GTTC Site –** As shown in Photographs # 5 through #8 below, the wetland basin, areas draining into the basin, and grassed waterway exiting the basin should be stabilized as soon as practicable with an annual cover crop, i.e., annual rye, to protect system components and downstream wetlands. See Photographs #5 through #8, below.



Photograph #5: South-central portion of the GTTC property looking northwesterly. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #6: South-central portion of the GTTC property looking northeasterly. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #7: South-central portion of the GTTC property looking north-northwesterly. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #8: South-central portion of the GTTC property looking northerly along grassed waterway. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

- 3) **Grassed Waterway Discharge Structure to Natural Wetlands – South-central Portion of the GTTC Site** – As shown in Photographs # 9 through #11 below, the discharge structure at the terminus of the grassed waterway should be enhanced with a second row of silt fencing (due to potential hydraulic force), and as soon as practicable be stabilized with an annual cover crop, i.e., annual rye, to protect down-gradient wetlands. It is recommended that such a cover be established to stabilize soils generally in this area. See Photographs #9 through #11, below. No sediment was observed on July 4, 2014 beyond the silt fence at this location.



Photograph #9: South-central portion of the GTTC property looking westerly at the terminus of the grassed waterway. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #10: South-central portion of the GTTC property looking north-westerly at the terminus of the grassed waterway. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #11: South-central portion of the GTTC property looking west-northwesterly at the terminus of the grassed waterway. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

- 4) **Swale at South-southwest Portion of the GTTC Site** – As shown in Photographs # 12 through #15 below, the swale at the south-southwest portion of the GTTC property receives a significant volume of runoff from east, central and northeast portions of the site. Due to potential hydraulic force the silt fence/straw bale structure should be enhanced with a second row of silt fencing and staked-in straw bales – the upgradient sides of both should also be armored with small diameter gravel (as done elsewhere on the site), and as soon as practicable be stabilized with an annual cover crop, i.e., annual rye, to protect down-gradient wetlands. It is recommended that such a cover be established to stabilize soils generally in this area. See Photographs #12 through #15 below. A small amount of sediment was observed July 4, 2014 beyond the silt fence/straw bale

structure at this location, but no impact to downgradient wetlands or Acme Creek was observed. See Photograph #15.



Photograph #12: South-central portion of the GTTC property looking easterly and up-gradient of the swale. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #13: South-central portion of the GTTC property looking westerly and down-gradient of the swale. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #14: South-central portion of the GTTC property showing sediment beyond silt fence/straw bale structure at the base of the swale. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #15: South-central portion of the GTTC property showing sediment beyond silt fence/straw bale structure at the base of the swale. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

- 5) **Southwest Portion of the GTTC Site** – As shown in Photographs # 16 through #18 below, the southwest corner of the GTTC property also receives a significant volume of runoff from the central and western portions of the site. A small amount of sediment was observed on July 4, 2014 to have been deposited southwest and beyond the silt fence at this location, but no impact to downgradient wetlands or Acme Creek was observed. See Photograph #18. The silt fence at the southwest corner of the GTTC site should be extended to the east and uphill to effectively contain sediment. See Photographs #16 through #18 below.



Photograph #16: Southwest corner of the GTTC property looking northerly at showing sediment/ponded area along silt fence. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #17: Southwest corner of the GTTC property looking southerly at showing sediment/ponded area along silt fence. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #18: Sediment beyond silt fence at southwest corner of the GTTC property. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

- 6) **Western Boundary of the GTTC Site** – As shown in Photographs #19 through #20 below a substantial volume of sediment has accumulated long the silt fence along the western boundary of the GTTC property. While no sediment was observed on July 4, 2014 to have been deposited beyond the silt fence at this location, sediment removal and a second layer of silt fencing and silt fencing and staked straw bales at the southwest section and within the swale along the western boundary are recommended. See Photographs #19 through #20 below.



Photograph #19: Sediment build-up at silt fence at western boundary of the GTTC property, looking north. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.



Photograph #20: Sediment build-up at silt fence at western boundary of the GTTC property, looking north. Taken by C. Grobbel, Grobbel Environmental & Planning, July 4, 2014.

If you have any questions regarding this review, please contact me at cgrobbel@grobbelenvironmental.com. Thank you.

Sincerely,
Grobbel Environmental & Planning Associates

Christopher P. Grobbel, Ph.D.
Sr. Project Manager

cc Jeff Jocks, OBH



GRAND TRAVERSE COUNTY
SOIL EROSION – SEDIMENTATION CONTROL DEPARTMENT
2650 LAFRANIER ROAD
TRAVERSE CITY, MICHIGAN 49686
(231) 995-6042 * FAX (231) 995-6048

September 24, 2014

Steve Schooler, Agent
The Village at Grand Traverse LLC
Rookwood Tower
3805 Edwards Road Suite 700
Cincinnati, OH 45209

Steve Folkersma, Contractor
Elmers Crane & Dozer
3600 Rennie School Road
Traverse City, MI 49685

Re: Erosion Control @ 4900 E. M-72, SE Permit #23059

Dear Sirs:

Attached are copies of two permit compliance notices recently issued for the referenced project.

Based on field inspections on 9/22/14 and 9/23/14 it was apparent the erosion control plan and permit specifications were not being followed and not all erosion controls were adequately installed at the time of the large intense rain storm of this past week end. This has resulted in an unknown amount of sediment having entered the creek during that rainstorm.

The compliance notices detail the immediate erosion control measures needed to be installed to provide better erosion and sediment control and prevent sediment from leaving the site or entering the stream. Some of these measures have already been completed and it is expected the remainder will be completed within the time frame specified in the notices.

However this office does not design erosion control systems. It approves erosion control plans designed by engineers that appear to meet the requirements of the Act. For the control plans to work they must follow the plan and the components of the plan must be installed in the proper sequence. Any significant changes to the plan and schedule must have the design engineer's approval.

It is the responsibility of the permittee to keep the site in compliance with the soil erosion permit at all times.

It is apparent the project manager was not properly monitoring the actual site conditions and ensuring the contractor had installed the erosion control measures in the proper sequence. The contractor did not have Basin #2 completed and runoff had been diverted from entering the basin thus causing the silt fences to become overloaded during the last storm.

This office is requiring Gourdie-Fraser to provide a revised erosion control plan and schedule. The "Corrective Action Taken/Needed" should include anything that is needed to repair or improve the prescribed control measures to prevent this from happening again.

The plan must include details of where the Polyacrylamide (PAMS) are to be located and their spacing per the manufacturers recommendations. Also emphasis must be placed on getting Basin #2 completed and overflow swales stabilized and the site properly graded to direct runoff into the appropriate basins. This may require use of temporary berms if needed or other measures as determined by the engineer.

Immediate action in response to this notification is anticipated and appreciated. If you have any questions or comments in regards to this issue please contact me at 231-995-6047.

Respectfully,



Bruce Remail
Director Soil Erosion & Sedimentation Control
Grand Traverse County
2650 LaFranier Road
Traverse City, MI 49686
bremai@grandtraverse.org

Cc: Terry Boyd, Engineer @ Gourdie-Fraser,
Jay Zollinger, Acme Township Supervisor



PERMIT COMPLIANCE NOTICE

SOIL EROSION SEDEMENTATION CONTROL DEPARTMENT
GRAND TRAVERSE COUNTY
2650 LaFranier Road
Traverse City, Michigan 49686
(231) 995-6042 • FAX (231) 995-6052

Location 4900 E, M-72 Permit No. 23059

Owner/Contractor The Village @ Grand Traverse LLC / Elmer's

The following corrective measures must be taken in order to bring your project into compliance with your permit requirements:

- 1) Install 2 additional rows of silt fence south of overflow swale for basin #2
- 2) Install 2 additional rows of silt fence North of overflow swale for Basin #2 to act as additional filter for any stormwater pumped from Basin #2 (pumping needed to complete liner installation in Basin #2)
- 3) Install 2 additional row of silt fence - 10'-15' south of existing silt fencing at MDEQ approved wetland road crossing.

Please contact our office when these measures have been completed so we can verify that compliance with the above referenced permit requirements has been achieved. Corrections must be made on or before 9/26/2014

Date 9/22/2014 by Pete Bruski
Soil Erosion Inspector

GTC/622
Rev. 11/13



PERMIT COMPLIANCE NOTICE

SOIL EROSION SEDEMENTATION CONTROL DEPARTMENT
GRAND TRAVERSE COUNTY
2650 LaFranier Road
Traverse City, Michigan 49686
(231) 995-6042 • FAX (231) 995-6052

Location 4900 E, M-72 Permit No. 23059

Owner/Contractor _____

The following corrective measures must be taken in order to bring your project into compliance with your permit requirements:

- 1) Install velocity reducers in overflow channels. Seed mulch Basin #2 channel
- 3) Use approved PAM blocks in Basin #1 overflow channel + Basin #2 channel after liner is installed.
- 4) Use Sedikeep filter system on Basin #2 pump discharge until basin is completed.
- 5) Install stone check dams/velocity reducers in access road channel and maintain all silt fencing on site.
- 6) Install silt fencing at shown location to Elmers on wetland road crossing.
- 7) Remove sediment by creek only after it dries

Please contact our office when these measures have been completed so we can verify that compliance with the above referenced permit requirements has been achieved. Corrections must be made on or before 9/27/2014

Date 9/23/2014 by Pete Bruski
Soil Erosion Inspector

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ACME TOWNSHIP SPECIAL BOARD MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
Thursday, October 02, 2014, 6:30 p.m.

CALL TO ORDER WITH PLEDGE OF ALLEGIANCE
ROLL CALL

A. LIMITED PUBLIC COMMENT:

Public Comment periods are provided at the beginning and end of each meeting agenda. Members of the public may address the Board regarding any subject of community interest during these periods. Comment during other portions of the agenda may or may not be entertained at the moderator's discretion.

B. APPROVAL OF AGENDA:

C. INQUIRY AS TO CONFLICTS OF INTEREST:

D. CORRESPONDANCE

1. Letter from Resident, Bob Garvey, 6377 Deepwater Point
2. Letter dated 9/29/14 from Concerned Citizens of Acme Township

E. NEW BUSINESS:

Communications to public and discussion on status of soil erosion run off issues to Acme Creek on 9/21/ 2014

PUBLIC COMMENT & OTHER BUSINESS THAT MAY COME BEFORE THE BOARD:

ADJOURN

Dear Mr. Zollinger;

I am writing to express concern relative to the issue of creek monitoring for Acme Creek. The reality of the impact of a huge commercial project immediately adjacent to the creek was "brought home" by the recent sediment plumes. These events occurring as they have in the first year of construction should be setting of alarm bells as far as the ongoing need for Creek Monitoring.

Our Township is unique in that we have two designated cold water trout streams within our boundaries [Acme and Yuba Creeks]. While both of these streams remain healthy in the upper stretches, the lower portions of both streams have deteriorated over the past 25 years. The causes of this deterioration are known to be increased impervious surfaces and nutrient overload.

Trout and the insects they feed on have disappeared from the mouths of both creeks. This is not a "fishing" issue as much as it is a water quality issue. Trout need cold, well-oxygenated water. They are our canaries in the coal mine.

County and DEQ studies have documented the presence of then the absence of trout at the mouths of these streams. The trout cannot live there anymore. These studies tell us why. The gravel bottoms have been replaced by sand. Water temperatures have risen and the oxygen levels have declined. We have this historical data and yet we continue to add to the problem.

The problem will not go away as the site is built out it will only be less visible. The plume just shows us that there was a huge volume of runoff. The sediment was the dye that allowed us to SEE the runoff. When the site is completed the problem will not have gone away it will just be more difficult to SEE.

When the site is completed we will have replaced dirt [which absorbs water] with Concrete parking lots, blacktop, sidewalks, roofs etc. these materials do not absorb water. They are impervious.

So, we will have replaced a visible silt plume with runoff from roofs and parking lots at higher volumes than we have now. And, what will be in that parking lot water?

Any runoff affects stream temperature, stream bottom and water volume. Large volume in and of itself widens streams and makes them shallower and warmer. Sand and sediment covers the gravel bottom that the trout need for spawning and Food [insect habitat]. Temperatures rise and oxygen plummets.

So, we as a community have allowed this massive project to be located adjacent to one of our cold water trout streams. What happens on that project site not only affects the stream itself but the drinking water in the East Bay.

The question becomes, what responsibilities do we attach to the developer who is creating this threat to our water quality? I can only presume that they have already been charged with the responsibility to monitor runoff. If so, they have failed miserably in their first year of operation. If they didn't catch this what will they "catch" in the future.

What responsibility does the Township have to monitor the site as it affects the Creeks and Bay? This monitoring requirement is not some meaningless task that a developer agrees to for the purpose of obtain a permit. It is not just some meaningless promise made to placate the "tree huggers" temporarily so that a project can be built. This needs to have some teeth and some follow up. The citizens

should demand proof that systems are in place to see that it is done going forward. Perhaps the developers should pay into a fund for that purpose . If they don't voluntarily agree to do this perhaps a Restraining Order and damage claim is needed to assure the community that this will be done . These are not punitive responses these are reasonable responses to a known threat that was totally mishandled by the developers . This cannot be allowed to continue.

Respectfully Submitted ,
Bob Garvey
6377 Deepwater Point
Acme

Concerned Citizens of Acme Township

Acme, MI

September 29, 2014

Dear Acme Township Board:

The recent runoff disasters involving Acme Creek and East Bay, stemming from the Village of Grand Traverse and Meijer building site has caused obvious alarm and concern. The environmental impact of what has occurred is unacceptable, and clearly not yet remedied. Promises by the developers and Gourdie Fraser that Acme Creek would be untouched have proved seriously false. The violation of their permit could not be more blatant and damaging, and we are only at the beginning of this massive development project.

It is our belief that the township should be adamant in the hiring of an independent engineering firm that specializes in stormwater management to redesign and monitor the site and Acme Creek. The idea of letting the current engineers who have failed so miserably stab at it again seems ridiculous when specialists exist to do the job correctly. This cost should be covered by the developers.

We will be notifying the Grand Traverse County Soil and Erosion office of our request to fine the developers and suspend their permits until compliance is achieved. If the permitting process is expected to have any strength in our county or township, a strong stand and precedent should be in place. The township has every reason and right to pull the permits until compliance is achieved. This situation will be on-going unless the township demands compliance and engages specialized professionals to independently manage this issue. One more mistake cannot be allowed.

Acme Creek and the Bays belong to everyone in our state. We all have a stake in this. They are not available for commercial developers to do as they so choose for their convenience or economic gain. The repercussions from these occurrences could be drastic at the township, county and state level.

Thank you for your consideration.

Concerned Citizens of Acme Township

Board: Charlene Abernethy, David Starkey, Paul Brink, Rachelle Babcock, Denny Rohn

CC: DEQ, Grand Traverse Soil and Erosion Office, Record Eagle