

**STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER RESOURCES DIVISION**

**ADMINISTRATIVE CONSENT ORDER**

**In the matter of: Shiawassee CRC-Ruess Road**

**ACO-000270**

**Date Entered:** 6-6-2016

**SECTION I**

**FACILITY OWNER OR MUNICIPALITY**

FULL LEGAL NAME OF FACILITY OR MUNICIPALITY Shiawassee County Road Commission		
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS IDENTIFICATION NUMBER, if applicable		
ADDRESS 701 West Corunna Avenue		
CITY Corunna	STATE Michigan	ZIP 48817
AUTHORIZED SIGNATORY Mr. Brent Friess		FACILITY OWNER PHONE # 989-743-2228

**FACILITY NAME AND LOCATION**

FACILITY NAME Ruess Road Gravel Pit- Shiawassee County Road Commission		
FACILITY ADDRESS North 1/2 of the NE 1/4 and E 1/2 of the NW 1/4 Section 29, T7N, R2E		
CITY Charter Township of Owosso	STATE Michigan	ZIP
COUNTY Shiawassee County		
FACILITY CONTACT NAME Mr. Brent Friess <i>BFA</i>		PHONE # 989-743-2228

This document results from allegations by the Department of Environmental Quality (DEQ), Water Resources Division (WRD). The DEQ alleges that the above-referenced Facility Owner (Owner) is in violation of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the administrative rules promulgated under this statute, and applicable permits issued to the Owner, as identified below.

STATUTE		PERMIT(S)
Part 31, Water Resources Protection, MCL 324.3101 et seq.	<input checked="" type="checkbox"/>	Permit Number:
Part 301, Inland Lakes and Streams MCL 324.30101 et seq.	<input checked="" type="checkbox"/>	Permit Number: 15-78-0010-P
Part 91, Soil Erosion and Sedimentation Control, MCL 324.9101 et seq.	<input checked="" type="checkbox"/>	Permit Number:

Specific violations are referenced in DEQ letters (dated July 16, 2015, and November 18, 2015) attached to this Administrative Consent Order (ACO) as Exhibit A. The Owner and the DEQ agree to resolve the violations set forth herein through entry of this ACO. The Owner further agrees to resolve all compliance issues set forth in Exhibit A in accordance with the requirements contained in this ACO. This ACO, in its entirety, shall consist of Section I; the attached Sections II, III, and IV; Exhibit A; and any other referenced attachments, exhibits, or appendices. This ACO shall be considered null and void if it does not include, at a minimum, Sections I, II, III, and IV and Exhibit A.

The Owner agrees to pay a civil fine of **\$20,000** for the violations specified in Exhibit A of this ACO. Payment of the civil fine shall be made within 30 days of the effective date of this ACO. Payment of permit fees shall be made in accordance with the compliance schedule in Section II of this ACO. A permit fee invoice will be sent to the Owner from the WRD after this ACO is fully executed by the WRD chief. Failure to make timely payment constitutes a violation of this ACO. The Owner agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the Accounting Services Center, Cashier's Office for DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157; or hand delivered to the Accounting Services Center, Cashier's Office for DEQ, 425 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this ACO must include the **Payment Identification No. WRD40113**. The Owner agrees not to contest the legality of the civil fine and permit fees.

Signatories

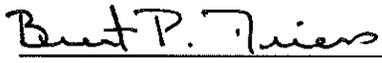
**DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
\_\_\_\_\_  
Pete Ostlund, Acting Chief  
Water Resources Division

6-6-2016  
Date

**SHIAWASSEE COUNTY ROAD COMMISSION**

I undersigned CERTIFY that I am fully authorized by the party identified above to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it. I further attest that all information provided herein is accurate and true.

  
\_\_\_\_\_  
By: Mr. Brent Friess  
Title: Managing Director

5/25/2016  
Date

## SECTION II - COMPLIANCE SCHEDULE

IT IS THEREFORE AGREED AND ORDERED THAT Owner shall take the following actions to comply with and to prevent further violations of Part 31, Part 301, and Part 91, of the NREPA.

1. The Owner agrees to comply with Part 31, Part 301, Part 91, Permit 15-78-0010-P, and Permit WRP001513. The Owner shall obtain all necessary permits and shall comply with all permits and DEQ approved plans. The Owner shall obtain DEQ approval for any modifications of required permits and/or associated plans.
2. The Owner agrees to pay the applicable annual permit fee of \$150.00 for each of the 2010, 2011, 2012, 2013, 2014, and 2015 fiscal years, totaling \$900.00 to the State of Michigan in accordance with Section 3112 of Part 31 of the NREPA. Payment shall be made not later than 45 days after receiving a permit fee invoice from the WRD for each of the 2010, 2011, 2012, 2013, 2014, and 2015 annual discharge permit fees.
3. Not later than 30 days past entry of this ACO, the Owner shall submit a revised complete Soil Erosion and Sedimentation Control (SESC) Plan including timing and sequencing for approval. The SESC Plan shall meet all the requirements of Part 91. Not later than 30 days after receiving comments from WRD on the SESC plan, the Owner shall incorporate the WRD's comments into the proposed SESC plan and submit the revised SESC plan to the WRD Lansing District Supervisor for approval. In the event that the Owner believes that the WRD's comments are physically or otherwise not feasible, the Owner will provide the WRD with sufficient information and a proposed alternative to the WRD for approval. The Owner shall then incorporate the agreed upon alternative proposals within 30 days of approval.
4. If any SESC measures are found to be inadequate to assure minimization of erosion and off-site sedimentation, the Owner shall immediately implement appropriate SESC measures. Within five (5) days the Owner shall revise the SESC plan and submit to WRD Lansing District Supervisor for approval.
5. The Owner shall install and maintain all approved SESC measures until the site is fully stabilized. Within 30 days of the Owner determining that the site is stable, the Owner shall request an inspection in writing to the WRD Lansing District Supervisor in conjunction with a Notice of Coverage Termination form. The Owner shall maintain all SESC measures and continue to complete required inspections until WRD Lansing District Staff have confirmed stabilized site conditions and appropriate permits are terminated.

Sections III and IV of this ACO shall not be altered in any way, including adding or eliminating any language, striking terms or parts of terms, retyping in whole or in part, or using a different format. Any changes to this document, without written approval from the WRD, renders the ACO null and void.

### SECTION III - STIPULATIONS

The Owner and the WRD stipulate as follows:

1. The WRD reserves all rights afforded to it under the law or laws under which this ACO is being entered. The WRD is authorized to enter this ACO to comply with state law under Part 91, Part 31, and Part 301 of the NREPA.
2. The Owner consents to the issuance and entry of this ACO and stipulates that the entry of this ACO constitutes a final order of the WRD and is enforceable as such under the appropriate provisions of state law identified in Section I of this ACO. The Owner agrees not to contest the issuance of this ACO, and that the resolution of this matter by the entry of this ACO is appropriate and acceptable. It is also agreed that this ACO shall become effective on the date it is signed by the chief of the WRD, delegate of the DEQ director.
3. The Owner and the WRD agree that the signing of this ACO is for settlement purposes only and does not constitute an admission by the Owner that the law has been violated.
4. The Signatory to this ACO, on behalf of the Owner, agrees and attests that it is fully authorized to assure that the Owner will comply with all requirements under this ACO.
5. The Owner shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section II of this ACO.

### SECTION IV - GENERAL PROVISIONS

1. With respect to any violations not specifically addressed and resolved by this ACO, the WRD reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Owner to comply with the requirements of the NREPA and its rules. Entry of this ACO does not relieve the Owner from future liability for the potential need to conduct remedial actions if contaminants originating from the discharge are discovered at limits that exceed the criteria under applicable law. The WRD further expressly reserves the right to pursue the Owner for injunctive relief and costs associated with overseeing and conducting these remedial actions.
2. The WRD and the Owner consent to enforcement of this ACO in the same manner and by the same procedures for all final orders entered pursuant to the provisions of the NREPA, as amended.
3. This ACO in no way affects the Owner's responsibility to comply with any other applicable state, federal, or local laws or regulations.
4. The WRD reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this ACO, and applicable statutory fines for any violation of this ACO.

5. Nothing in this ACO is or shall be considered to affect any liability the Owner may have for natural resource damages caused by the Owner's acts or omissions. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
6. In the event the Owner sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this ACO in connection with such sale or transfer. Within 30 calendar days, the Owner shall also notify the WRD's Lansing District Supervisor, in writing, at DEQ, 525 West Allegan Street, Constitution Hall, 1<sup>st</sup> Floor South Tower, P.O. Box 30242, Lansing, Michigan 48909, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this ACO has been given to the purchaser and/or transferee. The purchaser and/or transferee of this ACO must agree, in writing, to assume all of the obligations of this ACO. A copy of that agreement shall be forwarded to the WRD's Lansing District Supervisor within 30 days of assuming the obligations of this ACO.
7. The provisions of this ACO shall apply to and be binding upon the parties to this action, and their successors and assigns.
8. This ACO constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

#### 9. REPORTING

The Owner shall verbally report any violation(s) of the terms and conditions of this ACO to the WRD's Lansing District Supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The Owner shall report any anticipated violation(s) of this ACO to the above-referenced individual in advance of the relevant deadlines whenever possible.

#### 10. RETENTION OF RECORDS

Upon request by an authorized representative of the WRD, the Owner shall make available to the WRD all records, plans, logs, and other documents required to be maintained under this ACO or pursuant to applicable laws or rules. All such documents shall be retained by the Owner for at least a period of three (3) years from the date of generation of the record unless a longer period of record retention is required by the applicable law or its rules.

#### 11. RIGHT OF ENTRY

The Owner shall allow any authorized representative or contractor of the WRD, upon presentation of proper credentials, to enter upon the premises of the facility at all reasonable times for the purpose of monitoring compliance with the provisions of this ACO. This paragraph in no way limits the authority of the WRD to conduct tests and inspections

pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

## 12. WRD APPROVAL OF SUBMITTAL

For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this ACO to be submitted to the WRD by the Owner, the following process and terms of approval shall apply:

- a. All work plans, proposals, and other documents required to be submitted by this ACO shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this ACO.
- b. In the event the WRD disapproves a work plan, proposal, or other document, it will notify the Owner, in writing, specifying the reasons for such disapproval. The Owner shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document that adequately addresses the reasons for the WRD's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the WRD, the WRD will notify the Owner of this disapproval.
- c. In the event the WRD approves with specific modifications, a work plan, proposal, or other document, it will notify the Owner, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The WRD may require the Owner to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document that adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the WRD, the WRD will notify the Owner of this disapproval.
- d. Upon WRD approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this ACO and shall be enforceable in accordance with the provisions of this ACO.
- e. Failure by the Owner to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this ACO and shall subject the Owner to the enforcement provisions of this ACO.
- f. Any delays caused by the Owner's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter Owner's responsibility to comply with any other deadline(s) specified in this ACO.
- g. No informal advice, guidance, suggestions, or comments by the WRD regarding reports, work plans, plans, specifications, schedules, or any other writing submitted by the Owner will be construed as relieving the Owner of its obligation to obtain written approval, if and when required by this ACO.

### 13. EXTENSIONS

The Owner and the WRD agree that the WRD may grant the Owner a reasonable extension of the specified deadlines set forth in this ACO. Any extension shall be preceded by a written request to the WRD's Lansing District Supervisor no later than ten (10) business days prior to the pertinent deadline and shall include:

- a. Identification of the specific deadline(s) of this ACO that will not be met.
- b. A detailed description of the circumstances that will prevent Owner from meeting the deadline(s).
- c. A description of the measures the Owner has taken and/or intends to take to meet the required deadline.
- d. The length of the extension requested and the specific date on which the obligation will be met.

No change or modification to this ACO shall be valid unless in writing from the WRD, and if applicable, signed by both parties.

### 14. TERMINATION

This ACO shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the WRD. Prior to issuance of a written TN, the Owner shall submit a request consisting of a written certification that the Owner has fully complied with the requirements of this ACO and has made payment of any fines, including stipulated penalties, required in this ACO. Specifically, this certification shall include:

- a. The date of compliance with each provision of the compliance program in Section II, and the date any fines or penalties were paid.
- b. A statement that all required information has been reported to the WRD's Lansing District Supervisor.
- c. Confirmation that all records required to be maintained pursuant to this ACO are being maintained at the facility.

The WRD may also request additional relevant information. The WRD shall not unreasonably withhold issuance of a TN.

Exhibit A  
Administrative Consent Order

<u>Enforcement Type</u>	<u>Enforcement Number</u>	<u>Issued Date</u>
VIOLATION NOTICE	VN-006078	July 16, 2015
ENFORCEMENT NOTICE	EN-ACO-000270	December 16, 2015



STATE OF MICHIGAN  
 DEPARTMENT OF ENVIRONMENTAL QUALITY  
 LANSING DISTRICT OFFICE



RICK SNYDER  
 GOVERNOR

DAN WYANT  
 DIRECTOR

July 16, 2015

CERTIFIED MAIL 7009 2820 0001 9803 9400

Mr. Brent Freiss, Managing Director  
 Shiawassee County Road Commission  
 701 West Corunna Avenue  
 Corunna, Michigan 48817-1229

VN No. VN-006078

Dear Mr. Freiss:

SUBJECT: Violation Notice  
 Shiawassee CRC – Ruess Road  
 Part 301, Inland Lakes and Streams File No.15-78-0003-V

The Department of Environmental Quality (DEQ), Water Resources Division (WRD) staff, conducted site inspections of the Shiawassee County Road Commission (SCRC) Ruess Road facility located west of Ruess Road, south of Krouse Road, Owosso Township, Shiawassee County, SE ¼ SE ¼ T7N, Sections 20 and 29 on July 15, 2014, May 4, 2015, and May 22, 2015.

Based on these inspections, WRD has determined that the SCRC is in violation of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; more specifically Part 31, Water Resources Protection, MCL 324.3101 *et seq.*, and the Administrative Rules promulgated there under being 2006 AACS R 323.2101 *et seq.*; Part 301, Inland Lakes and Streams, MCL 324.30101, *et seq.*, and the Administrative Rules, promulgated there under being 2015 MR 5 281.811 *et seq.*, as amended; and Part 91, Soil Erosion and Sedimentation Control, MCL 324.9101 *et seq.*, and the Administrative Rules; Part 17, promulgated there under being 1998 AACS R 323.1701 *et seq.*

The SCRC operates a sand and gravel mining operation at the Ruess Road location. In the course of conducting its mining operation, the SCRC connected some of its mining operation directly to the Mackenzie and Dwyer Drain (a surface water of the state) and then excavated in the drain without obtaining the proper permits under Part 31 and Part 301. SCRC also did not properly follow the requirements of its Authorized Public Agency (APA) status required under Part 91.

The violations are further described below.

**Part 31, Water Resources Protection**

The SCRC is in violation of Sections 3112 and 3109 of Part 31, which prohibits the unauthorized discharge of injurious substances to waters of the state.

Discharges from sand and gravel mining operations to surface waters of the state require authorization under NPDES permits. The following discharge permits would apply to activities observed at the SCRC site:

Finally, in accordance with Part 91, the Shiawassee CRC is required to complete earth change activities in a manner that assures minimization of erosion and off-site sedimentation to surface waters of the state. The Shiawassee CRC has not implemented SESC measures to assure minimization of erosion or off-site sedimentation to the McKenzie and Dwyer Drain. This is a violation of Rule 1702.

The violations identified in this Violation Notice are continuing.

In the June 16, 2015, proposed compliance plan, the SCRC indicated that they have two staff certified as storm water operators and no staff with the SESC comprehensive training. The SCRC indicates that they intend to have five staff take the SWS/SESC Inspector training on June 3, 2015. In the interim the SCRC indicates they have contracted with Rowe Professional Services (ROWE) to provide construction site and SESC compliance services for the Ruess Road site.

SCRC should take immediate action to achieve and maintain compliance with NREPA and is instructed to submit a written response by **August 19, 2015**, designed to address the cited violations and provide a corrective action plan with detailed schedule to complete the following tasks:

1. In regards to the Part 31 violations:

The SCRC response received on June 16, 2015, indicates that a 75-foot buffer between the mining area and county drain/previously mined area will be constructed. It is the understanding of the WRD that it is the intent of SCRC to hydrologically disconnect mining operations from surface waters of the state; and thus, eliminate the requirement for NPDES discharge authorizations from the site.

- a. Please submit a statement certifying no discharge of mine dewatering water and storm water associated with industrial activities to surface waters of the state. With the certification, please include a site map which includes the location of all berms, pits and storage ponds, storage piles, waste piles, access roads, equipment staging areas, and fueling areas as applicable. Drainage patterns at the site should be clearly identified on the site map.
- b. Areas outside of the proposed berm area, that were previously mined or associated with mining activities, will need to be stabilized, and all industrial materials and equipment removed from these areas in order to eliminate the regulated storm water discharge. Please provide additional information, including a schedule for implementation on how the no exposure condition will be achieved for these areas. Once stabilized and materials/equipment have been removed, the No Exposure Certification form can be submitted.
- c. If for any reason, it is determined that SCRC will need to discharge mine dewatering water and/or storm water from areas associated with mining operations at the site to surface waters, SCRC must apply for the appropriate NPDES permit authorization prior to discharge.

2. In regards to the Part 301 violations:

- a. In consideration of the requirements of Part 301, the WRD has determined the existing drain excavation and in-line lake creation does not meet criteria for issuance of an After-the-Fact permit. Thus, the WRD has determined that the SCRC must either restore the drain through or around the in-line lake, or mitigate for the impacts that have occurred to the stream as a result of the mining operation.

- b. A schedule for obtaining required SESC certifications for staff. As previously stated, the SCRC APA intends to send five individuals for certification exams on June 23, 2015. The Agency should continue to obtain certified staff as soon as possible. If for some reason certifications are unable to be obtained as scheduled the SCRC must consult with Ms. Susan Doty on a new proposed timeline.
- c. A schedule for the installation and maintenance of all temporary and permanent SESC measures. The Shiawassee CRC must install and maintain SESC measures to ensure minimization of erosion and off-site sedimentation as per the SESC plan, which required a sequencing timeline. If the scope of work changes or the SESC measures proposed are insufficient to ensure minimization of erosion and offsite sedimentation the SESC plan must be altered and appropriate SESC measures must be installed and maintained.
- d. A copy of any Part 91 inspections completed by certified staff in the last 60 days.

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

Compliance with the terms of this Notice does not relieve the Shiawassee County Road Commission of any liability, past or present from the failure to comply with the NREPA.

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution

Due to the severity of the noncompliance, the matter is being referred for escalated enforcement.

We anticipate and appreciate your cooperation in resolving this matter. Should you require further information regarding this Notice or if you would like to arrange a meeting to discuss it, please contact Mr. Brent Bodnar at 517-284-6661 or via e-mail at [bodnarb@michigan.gov](mailto:bodnarb@michigan.gov). The written response can be submitted to the attention of the Lansing District Supervisor, Water Resources Division, Lansing District Office, Department of Environmental Quality, Constitution Hall, 525 West Allegan, 1st Floor-South, P.O. Box 30242, Lansing, Michigan 48909-7742.

Sincerely,



Stephanie Kammer  
Acting District Supervisor  
Lansing District Office  
Water Resources Division

cc: Mr. Brent Bodnar, WRD  
Ms. Mary Vanderlaan, WRD  
Mr. Barry Selder, WRD



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING DISTRICT OFFICE



DAN WYANT  
DIRECTOR

December 16, 2015

CERTIFIED MAIL 7009 2820 0001 9804 3117

Mr. Brent Freiss, Managing Director  
Shiawassee County Road Commission  
701 West Corunna Avenue  
Corunna, Michigan 48817-1229

Notice No. ACO-000270

Dear Mr. Freiss:

SUBJECT: ENFORCEMENT NOTICE  
Shiawassee CRC – Ruess Road  
Part 301, Inland Lakes and Streams File No. 15-78-0003-V

The Department of Environmental Quality (DEQ), Water Resources Division (WRD) staff, Lansing District Office, is pursuing an escalated enforcement action for violations of law by Shiawassee County Road Commission (SCRC) – Ruess Road (hereinafter “facility”) as set forth herein. The SCRC violated Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, (Part 31 of the NREPA), MCL 3101. *et seq.*, as amended and the Part 21 Administrative Rules promulgated there under being 2006 AACS R 323.2101 *et seq.*, Part 91, Soil Erosion and Sedimentation Control, of the NREPA, 324.9101 *et seq.*, as amended (Part 91 of the NREPA) and the Part 17 Administrative Rules promulgated thereunder being 1998 AACS R 323.1701 *et seq.*, and Part 301, Inland Lakes and Streams, of the NREPA, 324.30101 *et seq.*, as amended (Part 301 of the NREPA), and the Inland Lakes and Streams Administrative Rules promulgated thereunder being 1979 AC R 281.811, *et seq.*, as amended.

Please be advised that the facility was previously cited for failing to comply with the following listed violations on July 16, 2015.

- The SCRC failed to apply for and obtain authorization through the General Sand, Gravel, and Clay Mining Wastewater NPDES Permit No MIG490000 for controlled discharges of process wastewater and mine dewatering water, before conducting mining activities that produced dewatering wastewater that discharged into the waters of the state. Mine dewatering water includes any water that is impounded or that collects in the mine and is pumped, drained or otherwise removed from the mine through the efforts of the mine operator. It also includes wet pit overflows caused solely by direct rainfall and ground water seepage. The Facility’s mining operation was located within the McKenzie and Dwyer Drain which resulted in the discharge of mine dewatering water to a surface water of the state. Since the DEQ issued SCRC the July, 2015 Violation Notice the facility has been moved off line and is no longer discharging or dewatering to a surface water of the state.

The facility is requested to immediately undertake all actions necessary to resolve all violations identified in Violation Notice (VN-006078) issued on July 16, 2015.

The violations identified herein, as well as any additional violations discovered hereafter, must be formally resolved through entry of an administrative consent order (ACO). The ACO will include an agreed-upon compliance program to resolve the Water Resource's allegations, any additional requirements, and a civil fine. Negotiations to resolve this matter through an ACO shall not exceed 90 days.

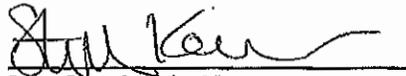
The Department of Environmental Quality reserves its right to take all necessary and appropriate enforcement actions for all violations of the Part 31, Part 91, and Part 301 that have occurred to date and any violations of Part 31, Part 91 and Part 301 that may occur in the future. These actions may include, but are not limited to, seeking civil fines, injunctive relief, natural resources damages, all costs associated with this enforcement action, including attorney costs and any other relief available to the Department of Environmental Quality.

The facility's continuing failure to comply with Parts 31, 91, and 301 of the NREPA, any other requirements set forth in this Notice, or failure to resolve these violations through entry of an ACO within the 90 day time frame may result in additional fines, penalties or other actions.

*Pursuant to Section 1511 of the NREPA, Shiawassee County Road Commission may request a preliminary meeting with Department of Environmental Quality, Water Resources Division enforcement staff to discuss the issues detailed in this ENFORCEMENT NOTICE and their potential resolution. If you would like to participate in such a meeting, please contact Ms. Susan Doty, Lansing District Office, WRD, at 571-230-1430, NOT LATER than 10 days from your receipt of this ENFORCEMENT NOTICE.*

**STATE OF MICHIGAN  
Department of Environmental Quality  
Water Resources Division**

Date Issued: 10-16-15

  
Ms. Stephanie Kammer,  
Acting District Supervisor  
Lansing District Office  
Water Resources Division

**ADDRESS FOR FURTHER CORRESPONDENCE:**

Ms. Susan Doty  
Lansing District Office  
Water Resources Division  
Constitution Hall  
525 West Allegan, 1<sup>st</sup> Floor-South  
P.O. Box 30242  
Lansing, Michigan 48909-7742

cc: Mr. Jon Russell, DEQ  
Mr. Jerry Fulcher, DEQ  
Mr. Brent Bodnar, DEQ  
Mr. Chris McGarry, DEQ  
Ms. Barry Selden, DEQ  
Ms. Susan Doty, DEQ