

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

WATER RESOURCES DIVISION

**ADMINISTRATIVE CONSENT ORDER**

MAY 22 2014

**In the matter of:**

**ACO-000226**

**Date Entered:** May 28, 2014

**SECTION I**

**FACILITY OWNER/OPERATOR**

NAME Curtis Rivard		OWNER <input checked="" type="checkbox"/>	OPERATOR <input type="checkbox"/>
DEPARTMENT OF LABOR & ECONOMIC GROWTH BUSINESS IDENTIFICATION NUMBER			
ADDRESS 223 West Lehring Road			
CITY Byron	STATE Michigan	ZIP 48418	
CONTACT NAME/TITLE Curtis Rivard		PHONE # 810-266-4846	

**FACILITY NAME AND LOCATION**

FACILITY NAME Lake Shore Village Mobile Home Park Water Treatment Plant		
FACILITY OWNER IF NOT IDENTIFIED ABOVE		
ADDRESS 4061 Lake Shore Drive		
CITY Gladwin	STATE Michigan	ZIP 48624
COUNTY Gladwin		
CONTACT NAME Alan Gray	PHONE # 231-620-8633	

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/Operator (Owner/Operator), 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/Operator, as identified below.

STATUTE	PERMIT(S)
Part 31, Water Resources Protection, <input checked="" type="checkbox"/> MCL 324.3101 <i>et seq.</i>	National Pollutant Discharge Elimination System (NPDES) Certificate of Coverage (COC) No. MIG640246 (expired)

Specific violations are referenced in DEQ letters attached to this Administrative Consent Order (Consent Order) as Exhibit A. The Owner/Operator and the DEQ agree to resolve the violations set forth herein through entry of this Consent Order. The Owner /Operator further agrees to resolve all compliance issues set forth in Exhibit A in accordance with the requirements contained in this Consent Order. This Consent Order, 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 Consent Order 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 the past due permit fees as specified in Section II of this Consent Order. Payment of the avoided permit fees shall be made in accordance with the compliance schedule in Section II of this Consent Order. 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 Consent Order. 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 Division, Cashier's Office for DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 425 W. Ottawa St., Lansing, Michigan 48933. The Owner agrees not to contest the legality of the avoided permit fees.

WATER RESOURCES DIVISION

Signatories

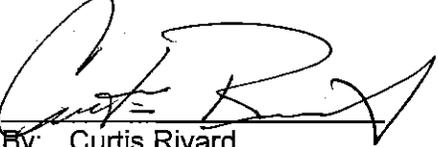
MAY 22 2014

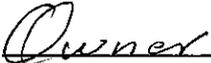
DEPARTMENT OF ENVIRONMENTAL QUALITY

  
\_\_\_\_\_  
William Creal, Chief  
Water Resources Division

5-28-14  
Date

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: Curtis Rivard

  
\_\_\_\_\_  
Title: Owner, Lake Shore Village MHP

5-20-14  
Date

MAY 22 2014

**SECTION II - COMPLIANCE SCHEDULE**

IT IS THEREFORE AGREED AND ORDERED THAT Owner/Operator shall take the following actions to prevent further violations of Part 31 of the NREPA:

1. The Owner/Operator agrees to comply with Part 31 of the NREPA and NPDES Certificate of Coverage Number MIG640257.
2. The Owner/Operator agrees to pay the applicable permit fee of **\$150.00** for the 2011 and 2012 fiscal years, totaling **\$300.00**, to the State of Michigan in accordance with Section 3120 of Part 31 of the NREPA. Payment shall be made not later than 30 days after receiving a permit fee invoice from the WRD for each of the 2011 and 2012 annual discharge permit fees.
3. The Owner/Operator agrees to pay the applicable Part 31 of the NREPA permit fee of \$150.00 associated with discharge of filter backwash from the Lakeshore Village Mobile Home Park, water treatment plant for the 2014 billing period and each billing period thereafter in accordance with Section 3120 of Part 31 of the NREPA and the invoice that will be mailed to the Owner/Operator each year.
4. The Owner/Operator agrees to commence submitting monthly retained self-monitoring data for the preceding month beginning March 20, 2014 and ending on March 20, 2015. The Owner/Operator shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Saginaw Bay District Office, WRD, DEQ 401 Ketchum Street, Suite B, Bay City, Michigan 48708. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

Sections III and IV of this Consent Order 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 DEQ renders the Consent Order null and void.

**SECTION III - STIPULATIONS**

The Owner/Operator and the DEQ stipulate as follows:

1. The DEQ reserves all rights afforded to it under the law or laws under which this Consent Order is being entered.
2. The Owner/Operator consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under the appropriate provisions of state law identified in this Consent Order. The Owner/Operator agrees not to contest the issuance of this Consent Order, and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the chief of the WRD, delegate of the director.

MAY 22 2014

3. The Owner/Operator and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Owner/Operator that the law has been violated.
4. The Signatory to this Consent Order on behalf of the Owner/Operator agrees and attests that it is fully authorized to assure that the Owner/Operator will comply with all requirements under this Consent Order.
5. The Owner/Operator shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section II of this Consent Order.

#### **SECTION IV - GENERAL PROVISIONS**

1. With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ 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 Consent Order 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 DEQ further expressly reserves the right to pursue the Owner for injunctive relief and costs associated with overseeing or conducting these remedial actions.
2. The DEQ and the Owner/Operator consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to the provisions of the SDWA and/or the NREPA, as applicable.
3. This Consent Order in no way affects the Owner/Operator'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 Consent Order, and applicable statutory fines for any violation of this Consent Order.
5. Nothing in this Consent Order is or shall be considered to affect any liability the Owner/Operator may have for natural resource damages caused by the Owner/Operator's acts or omissions at the facility. 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/Operator sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within 30 calendar days, the Owner/Operator shall also notify the WRD District Supervisor, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the WRD District Supervisor within 30 days of assuming the obligations of this Consent Order.
7. The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.

MAY 22 2014

8. This Consent Order 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/Operator shall verbally report any violation(s) of the terms and conditions of this Consent Order to the 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/Operator shall report any anticipated violation(s) of this Consent Order 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 DEQ, the Owner/Operator shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to applicable laws or rules. All such documents shall be retained by the Owner/Operator for at least a period of three 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/Operator shall allow any authorized representative or contractor of the DEQ, 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 Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

12. DEQ APPROVAL OF SUBMITTALS

For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ 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 Consent Order 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 Consent Order.
- b. In the event the DEQ 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 which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner of this disapproval.

MAY 22 2014

- c. In the event the DEQ 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 DEQ 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 which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Owner of this disapproval.
- d. Upon DEQ 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 Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
- 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 Consent Order and shall subject the Owner to the enforcement provisions of this Consent Order.
- 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 the Owner's responsibility to comply with any other deadline(s) specified in this Consent Order.
- g. No informal advice, guidance, suggestions, or comments by the DEQ 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 Consent Order.

### 13. EXTENSIONS

The Owner/Operator and the DEQ agree that the DEQ may grant the Owner/Operator a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request to the District Supervisor no later than ten business days prior to the pertinent deadline, and shall include:

- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
- b. A detailed description of the circumstances that will prevent the Owner/Operator from meeting the deadline(s).
- c. A description of the measures the Owner/Operator 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 Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

MAY 22 2014

**14. TERMINATION**

This Consent Order shall remain in full force and effect until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, the Owner/Operator shall submit a request consisting of a written certification that the Owner/Operator has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. 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 district supervisor.
- c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

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

WATER RESOURCES DIV.

MAY 22 2014

Exhibit A  
Administrative Consent Order

<u>Enforcement Type</u>	<u>Enforcement Number</u>	<u>Issued Date</u>
Violation Notice	VN-005155	January 27, 2012
Second Violation Notice	SVN-000447	April 24, 2013
Enforcement Notice	EN-000447	July 26, 2013



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



DAN WYANT  
DIRECTOR

January 27, 2012

CERTIFIED MAIL 7010 3090 0003 5245 3356

Mr. Kurt Rivard  
Mr. Robert Bentley  
Lake Shore Village Mobile Home Park  
Water Treatment Plant  
4061 Lake Shore Drive  
Gladwin, Michigan 48624

Dear Mr. Rivard and Mr. Bentley:

SUBJECT: Violation Notice VN No. VN-005155

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), has become aware that the Lake Shore Village Mobile Home Park (MHP) Water Treatment Plant (WTP) is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Lake Shore Village MHP WTP has been discharging wastewater associated with the production of potable water to the Tittabawassee River under an expired permit (Certificate of Coverage (COC) No. MIG640246). This permit expired in April 2010. A reissuance notice was sent to the facility dated August 31, 2009. No known correspondence has occurred since this time.

Please print and complete a copy of the application for a National Pollutant Discharge Elimination System (NPDES) permit, found online at:

[http://www.michigan.gov/documents/deq/water-mpdes-application\\_219429\\_7.pdf](http://www.michigan.gov/documents/deq/water-mpdes-application_219429_7.pdf)

Please submit the completed application and the required application fee by **March 1, 2012**.

The Lake Shore Village MHP WTP was also required to submit annual monitoring reports summarizing the year's data and effluent quality on January 10<sup>th</sup> of each year according to Part II.C.3 of the general permit. No such reports have been received to date. Please submit annual monitoring reports for the years 2007-2011 by **March 1, 2012**.

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.

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 me at 989-894-6278; wilkinsond@michigan.gov; or DEQ, 401 Ketchum Street, Suite B, Bay City, Michigan 48708.

Sincerely,

Dana Wilkinson  
Environmental Quality Analyst

Mr. Kurt Rivard  
Mr. Robert Bentley  
Page 2  
January 27, 2012

cc: Ms. Christine Alexander, DEQ (electronic)  
Mr. Todd Brookens, DEQ (electronic)



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



DAN WYANT  
DIRECTOR

April 24, 2013

CERTIFIED MAIL 7010 3090 0003 5245 2519

Mr. Curtis Rivard, Owner  
Lake Shore Village  
Mobile Home Park Water Treatment Plant  
223 West Lehring Road  
Byron, Michigan 48418

Dear Mr. Rivard:

SUBJECT: Second Violation Notice – SVN No. SVN-000447

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), issued a Violation Notice, VN-005155 on January 27, 2012, in response to violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* and the Administrative Rules promulgated there under being 2006 AACRS R 323.2101 *et seq.*, as amended. Lake Shore Village Mobile Home Park (MHP) Water Treatment Plant (WTP) has been discharging wastewater associated with the production of potable water to the Tittabawassee River under an expired National Pollutant Discharge Elimination System (NPDES) Permit (Certificate of Coverage No. MIG640246). The permit expired on April 1, 2010. A reissuance notice was sent to the facility dated August 31, 2009 and again on December 15, 2009.

Lake Shore Village MHP WTP submitted an incomplete application on March 27, 2012 in response to the Violation Notice (VN-005155). Permits Section sent the facility a letter dated May 7, 2012, requesting the submittal of the missing information to complete the application. No further response has been received and the permit application remains incomplete.

The violation(s) identified in the Violation Notice are continuing – operating without a valid NPDES permit.

Lake Shore Village MHP WTP shall take immediate action to achieve and maintain compliance with the terms and conditions of Part 31.

**By May 24, 2013**, please submit the missing information to complete your facility's March 27, 2012 NPDES application. A copy of the May 7, 2012 letter from Permits Section has been enclosed which identifies the specific information which has yet to be submitted to complete your application.

Mr. Curtis Rivard  
Page 2  
April 24, 2013

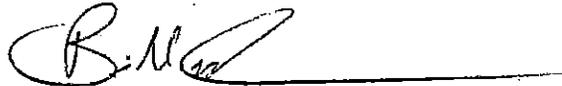
If you have any factual information you would like to share with us regarding the violations identified in this Notice please provide them with your written response.

Compliance with the terms of this Notice does not relieve Lake Shore Village MHP WTP of any liability, past or present from the failure to meet the conditions specified in NPDES Permit MIG640246 or failure to comply with the permit or Part 31, of 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 evaluated 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 me or Mr. Matthew Siler at 989-894-6277; silerm@mi.gov.

Sincerely,



Brian Rudolph  
District Supervisor  
Saginaw Bay District Office  
Water Resources Division  
989-894-6225

Enclosure: May 7, 2012 Letter from DEQ/WRD Permits Section

cc: Mr. Alan Gray, Certified Operator  
Mr. Matthew Siler, DEQ (electronic)



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SAGINAW BAY DISTRICT OFFICE



DAN WYANT  
DIRECTOR

July 26, 2013

NOTICE No. EN-000447

CERTIFIED MAIL 7011 1570 0001 9652 0029

Mr. Curtis Rivard  
Lakeshore Village Mobile Home Park  
223 West Lehring Road  
Byron, Michigan 48418

Dear Mr. Rivard:

SUBJECT: ENFORCEMENT NOTICE  
Lakeshore Village Mobile Home Park Water Treatment Plant  
4061 Lake Shore Drive  
Gladwin, Michigan 48624

The Department of Environmental Quality (DEQ), Water Resources Division (WRD), Saginaw Bay District Office, is pursuing an escalated enforcement action for violations of law by Mr. Curtis Rivard (hereinafter "facility") as set forth herein.

Please be advised that the facility has failed to comply with the National Pollutant Discharge Elimination System (NPDES) Permit MIG640246.

The facility is hereby notified that the violations identified in this Enforcement Notice are violations of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 31 of the NREPA), MCL 324.3101, *et seq.* and NPDES Permit MIG640246.

The facility is requested to immediately undertake all actions necessary to resolve all violations identified in the April 24, 2013 Second Notice of Violation.

The facility is hereby requested that on or before August 26, 2013, and in accordance with the following, shall:

1. Contact the DEQ, WRD, Saginaw Bay District Office to set up a meeting to finalize an Administrative Consent Order (ACO).
2. Included in the ACO will be fines for each year that Mr. Rivard operated Lakeshore Village Mobile Home Park under an expired NPDES Permit.
3. The ACO will require the submittal of a new NPDES Permit application with the appropriate application fee (\$75.00).

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 WRD's allegations, any additional requirements, and a civil fine. Negotiations to resolve this matter through an ACO shall not exceed 90 days.

Mr. Curtis Rivard  
Page 2  
July 26, 2013

The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations of the NPDES Permit MIG640246 and Part 31 that have occurred to date and any violations of the NPDES Permit MIG640246 and Part 31 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 DEQ.

The facility's continuing failure to comply with the terms of the NPDES Permit MIG640246, Part 31, any other requirements set forth in this Notice, or failure to resolve these violations through entry of a legally enforceable document within the 90 day time frame may result in additional fines, penalties or other actions.

Pursuant to Section 1511 of the NREPA, you may request a preliminary meeting with DEQ, WRD 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 Mr. Matthew Siler at 989-684-6277 or silerm@mi.gov, no later than 10 days from your receipt of this enforcement notice.

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

Date Issued: 7/26/13



Brian Rudolph  
Saginaw Bay District Supervisor  
Water Resources Division

**ADDRESS FOR FURTHER CORRESPONDENCE:**

Saginaw Bay District Office  
Water Resources Division  
401 Ketchum Street  
Bay City, Michigan 48708

cc: Mr. Peter Ostlund, DEQ (electronic)  
Mr. Matthew Siler, DEQ (electronic)