



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
LANSING



LIESL EICHLER CLARK  
DIRECTOR

April 28, 2020

VIA E-MAIL

Mrs. Richelle Vaughan  
Big Bend Family Campground  
[REDACTED]  
Standish, Michigan 48658

Dear Mrs. Vaughan:

After reviewing the enclosed Environmental Permit Panel's Meeting Summary and Recommendations regarding the Petition for Permit Application Review received on December 30, 2019, I agree with the Panel's recommendations. I have directed the Department of Environment, Great Lakes, and Energy's (EGLE) Water Resources Division staff to start work on the resolution per the recommendations.

If you have additional questions regarding this matter, please contact Ms. Amy Epkey, Senior Deputy Director, at 517-242-7407 or [EpkeyA@Michigan.gov](mailto:EpkeyA@Michigan.gov).

Sincerely,

Liesl Eichler Clark  
Director  
517-284-6700

Enclosure

cc/enc: Mr. Bryan Burroughs, Environmental Permit Review Commission  
Mr. Dana Kirk, Environmental Permit Review Commission  
Mr. Brad Venman, Environmental Permit Review Commission  
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE  
Ms. Amy Epkey, Senior Deputy Director, EGLE  
Ms. Teresa Seidel, EGLE  
Mr. Brad Pagratis, EGLE  
Mr. Phil Argiroff, EGLE  
Ms. Christine Alexander, EGLE  
Mr. Matt Siler, EGLE  
Mr. David Fiedler, EGLE  
Ms. Dale Shaw, EGLE

**ENVIRONMENTAL PERMIT PANEL**  
Petition for Permit Application Review  
Meeting Summary and Recommendations

*This information is required by Section 1315 of Part 13 (Permits) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended*

<b>1. MEETING DATE</b>  Wednesday, February 12, 2020, 9:00 a.m. – 12:00 p.m.	
<b>2. MEETING LOCATION</b>  Michigan Department of Environment, Great Lakes, and Energy Constitution Hall, Lee Walker Conference Room, Atrium Level North 525 West Allegan Street, Lansing, Michigan 48933	
<b>3. PETITIONERS</b>  Richelle Vaughan and husband, Big Bend Family Campground, Standish Michigan Kim Vaughan, Richelle's father-in-law, participated by phone	
<b>4. ENVIRONMENTAL PERMIT PANEL MEMBERS</b>  Bryan Burroughs Dana Kirk Brad Venman	
<b>5. EGLE STAFF</b>  Christine Alexander, Water Resources Division Phil Argiroff, Water Resources Division Amy Epkey, Senior Deputy Director Dave Fiedler, Information Management Division Brad Pagratis, Information Management Division Dale Shaw, Information Management Division Matt Siler, Water Resources Division	
<b>6. DOCUMENTS SUBMITTED TO THE PANEL</b>	
<b>Submitter</b>	<b>Description</b>
Petitioner	Petition for Permit Application Review (Form EQP02020)
EGLE's Water Resources Division	Permit Review Panel, February 12, 2020 including 7 Attachments

## **7. SUMMARY OF DISCUSSION**

This permit review panel was initiated through a petition concerning a permit application for a groundwater discharge permit for the Big Bend Campground. The Environmental Permit Review Panel convened for a hearing on February 12, 2020. Panel members selected by the EGLE Director included Bryan Burroughs, Dana Kirk and Brad Venman. All panel members were present for the hearing. Burroughs was elected Chair for the purposes of this permit review. The panel heard from the petitioners and from EGLE permitting staff. The panel was provided written supporting information from both the petitioner and from EGLE (attachments). The panel then questioned both parties to ascertain clarity of the points of dispute. The panel then facilitated dialogue between the parties on possible means to resolve the points of dispute.

The petitioners communicated various issues of concern to them regarding the nature of their facility, history of ownership and operation of the campground, previous groundwater discharge permits, and notices of violation they received from EGLE and enforcement actions EGLE had commenced with them. The panel communicated that it did not have statutory authority to address those issues, but were able only to review and make recommendations concerning their current permit application under review, that was applied for in September of 2019. Petitioners communicated that they believed they fall under the minimum threshold for groundwater discharge requiring a State issued permit, and had fallen under the threshold under previous permits. The petitioners asserted belief that they should not be required to obtain the groundwater discharge permit for which they applied, based largely on their belief that their water use/discharge volumes fall under the 6,000 gallon per day average threshold. The panel reviewed the information on water usage submitted by the petitioner, as well as reviewing the requirements for data collection, submission and review by EGLE according to rules in effect for this permit category.

The panel concluded that the type of discharge information the petitioners submitted was inadequate for use by EGLE to determine compliance with rules for this permit category, but that it was possible that the petitioners may fall under the threshold. EGLE permitting staff heard from the petitioners as to the type of water use data they can readily provide for EGLE's consideration (petitioners do not have flow metering on site, despite it being a required provision of past permits for the facility), and EGLE staff asked for the petitioner to provide 3 years' worth of past campsite usage data, aggregated on a weekly basis, including auxiliary information about other onsite water use volumes. The petitioners agreed to provide this to EGLE permitting staff via Christine Alexander, who provided her direct contact information to the petitioner. EGLE permitting staff agreed that upon receipt of the information, they would re-review and evaluate the discharge estimates for the facility to determine if their use rates are below the permitting threshold. EGLE staff also committed that if the review resulted in a determination that the facility's water use estimates are not below the thresholds for permitting, that they would work with the petitioner to amicably resolve past enforcement actions.

The panel determined that it did not have authority to directly aid in resolving issues of past permits, of lapsed permit periods, or notices of violations and enforcement actions based on past permits or lapses in permits. It was also unclear to the panel whether it had clear direct authority to make recommendations based on permitting requirements (i.e., whether a permit was required or not). This petition process was initiated under the provisions of 324.1315, which leads to an Environmental Permit Review Panel making recommendations to the EGLE Director concerning an active permit application process. The panel, therefore, attempted to hear the facts of the matter, review the information submitted by both the petitioner and EGLE permitting staff, and facilitate the development of a clear understanding between parties on the issues in dispute. The petitioner agreed to supply additional information they had readily available to EGLE staff, and EGLE staff communicated the manner in which they are required to use and review it and committed to do that rereview. Pending receipt of the information to EGLE, EGLE committed to doing the re-review of the petitioner's discharge volumes in relation to the permitting threshold, and if the discharge volumes are determined to fall under the threshold, the permit in question would not be necessary (the permit application would be suspended or rescinded by the applicant) and EGLE noted their willingness to resolve past permitting enforcement issues with the petitioner in light of them not having needed a permit previously.

#### **8. PANEL RECOMMENDATIONS TO RESOLVE PERMIT APPLICATION CONCERNS**

In this matter, the panel therefore recommends to EGLE Director, that:

- 1.) The panel did not have authority to address issues of past permits or violation enforcement actions between EGLE and the petitioner.
- 2.) The panel found that the lone issue of dispute concerning the active permit application concerned the petitioner's need for the permit, based on estimates of their discharge volumes relative to permitting thresholds.
- 3.) EGLE staff communicated clearly with the petitioner as to the type of information it needed in order to estimate their discharge volumes and need for permitting, following established rules.
- 4.) The petitioner agreed to provide campsite use data for the previous 3 years, aggregated on a weekly basis, to Christine Alexander of EGLE. To resolve the question of whether the Campground requires a groundwater discharge permit under Part 22 the Campground should submit data to support calculations of "average daily flow data on a weekly basis" as well as the "annual total flow" for a three year period including 2019, 2018, and 2017. Since actual measurements of flow data are not available via the petitioner, determination of the "average daily flow data" should utilize campground records for the total nights rented each day during a 7 day period (defining a week) multiplied by the 75 gpd per site value provided by EGLE. For additional service buildings and amenities, Big Bend should provide a count of fixtures by type and an estimate of daily flow including a discussion of what assumptions were used to estimate flow. This additional flow from service buildings and amenities should be added in to the "average daily flow on a weekly basis" and "annual total flow" calculations. Per the EGLE document titled "PERMIT REVIEW PANEL – Big Bend", the service building/amenity list should address; 1) dump stations (unknown if open to the public), 2) camp store discharge, 3) laundry facility(s), 4) recreation hall(s) (that includes kitchen), and 5) swimming pool backwash. If the listed

service building/amenity does not exist, that should be noted. The Campground should submit this information within 30 days of the panel report.

EGLE staff should review and comment back to the petitioner on the validity of permitting the Campground under Part 22 within 30 days of receiving the Campground data. The basis of the determination is presumed to be a minimum flow of 6,000 gpd.

**9. ADDITIONAL PANEL RECOMMENDATIONS** *(Not required)*

Additional Suggestion

It is recognized, that the Environmental Permit Review Panel only has authority to make recommendations pertaining to an active permit application. However, during this petition review, the panel observed an opportunity to generally improve understanding of the requirements of this regulatory program for all applicants to it. The panel offers the following suggestion to EGLE for consideration, although it does not fall within formal recommendations pertaining to this specific permit application.

Based on information submitted and discussions during the EPRC panel's meeting, the fact the applicant was instructed to use information from the 2005 permit application in reapplying for subsequent applications (which had checked the Rule 2218 authorization requested when the permit had been issued under Rule 2211(a)) created some confusion, and propagated issues with one past application forward into subsequent applications. The applicant doesn't appear to have had a complete understanding of their record keeping obligations according to the 2012 issued permit or the permit application process. Understanding the Part 22 groundwater discharge rules and permit application process can be quite daunting, especially for small business owners. Some training/workshop outreach to campground owner/operators would be beneficial for improving compliance within this program. EGLE could consider providing some additional outreach information regarding Part 22 and wastewater management of campgrounds. The Michigan Association of Recreation Vehicles and Campgrounds and MSU Extension are two potential partners in disseminating information with Michigan campground operators.