



DEQ letter: Acme Meijer site developer violated permit with East Bay silt plumes

Field video of clay silt runoff from Acme Meijer development site

Steve Stinson narrates his perimeter walk around the Grand Traverse Town Center development site in Grand Traverse County following a major clay sediment runoff into Acme Creek and East Grand Traverse Bay on Sept. 21, 2014.

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ACME TOWNSHIP, MI — State regulators have handed out a violation notice to developers of a Meijer Inc.-anchored construction site that sent “**unprecedented**” amounts of clay-laden silt runoff into East Grand Traverse Bay this fall.

The letter sent this week to Ohio developer Jeffrey R. Anderson is the first step in state environmental enforcement that could result in fines or court action if sediment runoff from the 140-acre construction site in Grand Traverse County isn’t halted.

Department of Environmental Quality officials plan to evaluate Anderson’s response and see whether the site continues to send runoff into adjacent Acme Creek and East Bay before deciding whether to impose punishments.

“We’ve put them on notice that they are in violation and subject to escalated enforcement action,” said Brian Jankowski, DEQ supervisor in the agency’s Water Resources Division, Cadillac District office. “We haven’t written that off yet.”

Watershed experts in northern Michigan say twin plumes of clay-laden silt from the construction site at M-72 and Lautner Road in Acme Township sent **unrivaled amounts of sediment into East Bay** after heavy rains in September.

Environmentalists are concerned that nutrients attached to the silt particles may fuel algae blooms, and the silt in the water may choke-out fish habitats.

The violation letter, obtained through a Freedom of Information Act request, says Anderson's development company, Village at Grand Traverse LLC, is violating its permit and Michigan laws that govern soil erosion and sediment control.

Investigators visited the site on Sept. 23, and Oct. 2, 3 and 15.

"On each of the above noted inspection dates, (DEQ) staff observed the unlawful discharge of soils from the construction site to either wetlands and/or Acme Creek," reads the letter.

Specific site issues noted in the DEQ letter:

- A "principle contributor" to the runoff was the amount of clay exposed when contractors stripped nearly the entire site of topsoil this summer.
- Erosion controls in place were "ineffective because they were not fully installed and/or were not of a type sufficient to address the clay content of the site's soils, especially given the significant extent of the site that consisted of bare soils."
- On Oct. 15, inspectors noticed sediment-laden water being pumped across an access drive and leaving the site along a ditch south of Lautner Road. Silt fences on the site's northwest corner were overtopped with sediment-laden water "that was seen running onto the adjacent property to the west."
- Also on Oct. 15, water was "observed being pumped through a Storm Klear system on the southwest part of the property. This water was viewed running downhill through a vegetative buffer and entering the Acme Creek wetland corridor, still opaque and diffused throughout with clay soil particles."

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The letter demands immediate action to bring the site back into compliance, something contractors have been



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Sept. 21, 2014 photo of a clay-laden sediment plume in Acme Creek and East Grand Traverse Bay. The plume has been linked to a major construction site in Acme Township for a mixed-use development that will be anchored by a controversial Meijer store.

Courtesy | Steve Stinson

working on in earnest since late September. It also seeks an accounting of site mitigation work thus far and a detailed plan going forward.

Jankowski said developers could face fines up to \$25,000 per each violation and any new ones going forward.

"We will be evaluating their response and will be involved with trying to at least mitigate the issues on site," said Jankowski.

A message left with Anderson at his real estate office in Cincinnati was not returned.

Acme Township residents brought the runoff plumes to the attention of state and county officials last month. Grand Traverse Baykeeper John Nelson and Acme resident Steven Stinson, **who extensively photographed the runoff**, expressed frustration that county officials did not initially respond with more vigor.

An environmental consultant sent Acme Township officials a letter in July highlighting the risk involved with removing all the site's topsoil.

The massive development site will be the eventual home of the Grand Traverse Town Center, a residential and commercial development anchored by a controversial Meijer store that's been the genesis of lawsuits, a criminal investigation and a state investigation into violations of campaign finance law over the last decade.

A Meijer spokesperson said this month that the retailer is relying on developers to prepare the site for the new store, scheduled to open in 2015.

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