



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



RICK SNYDER
GOVERNOR

DAN WYANT
DIRECTOR

September 6, 2013

RECEIVED SEP - 9 2013

CERTIFIED MAIL 7011 1570 0001 9652 0135

Mr. Michael Yenior
Fisher Companies
614 Jefferson Avenue
P.O. Box 1787
Midland, Michigan 48641

Dear Mr. Yenior:

SUBJECT: Compliance Inspection Letter
Racer Trust Drain Improvements Construction Site
National Pollutant Discharge Elimination System (NPDES)
Permit Number MIR112305

Staff of the Department of Environmental Quality (DEQ), Water Resources Division (WRD), inspected the Racer Trust Drain Improvements construction site on August 28, 2013. As the site is greater than one acre and has a point source discharge of storm water, it is subject to the regulations of Michigan's Permit-by-Rule under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). The purpose of this inspection was to evaluate compliance with Permit-by-Rule. **All items checked below apply at this time.**

- Construction activity has not commenced at the site.
- The site appears to comply with the Permit-by-Rule.**
- Certified operator inspection logs were not available for review at the time of inspection.
- The approved Soil Erosion and Sedimentation Control (SESC) plan was not available for inspection.
- Your SESC permit is scheduled to expire on November 7, 2013. Permit coverage is required until your site is completely stabilized. Please be aware, failure to renew your SESC permit before the expiration date will also result in the expiration of your Notice of Coverage (NOC), if applicable. Refer to your NOC for details on how to obtain an extension.
- The site is considered stabilized. Contact the Saginaw County Public Works Commission to discuss closing out your SESC permit.**
- The site is considered stabilized. Fill out the attached Notice of Termination (NOT) form to close out your NOC. Mail the completed form to the address shown on the bottom of the form. Please be aware, until the NOT is submitted, you must continue to comply with the terms of your NOC.**
- On-site practices were not consistent with the approved SESC plan. *
- SESC plan measures were not being properly installed, maintained, and/or operated. *
- Sediment has or will likely be discharged to waters of the state. *

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* see attached photograph(s) and/or description(s) of staff observations outlined in the attached Post Inspection Report

In response to the items noted above, please take the following actions **within five (5) days** of receipt of this letter:

- Repair or replace SESC measures which were not properly installed, maintained, and/or operated. These are noted as "Marginal" or "Unsatisfactory" in the Comment section of the attached Post Inspection Report. Please be aware that some of the deficiencies were corrected while this inspection was in progress.
- Implement SESC measures as specified in the approved SESC plan.
- Implement additional SESC measures as necessary to prevent future discharges of sediment to waters of the State. (Note: This may require submission of a revised SESC plan to the local SESC permitting agency.)

In addition, please submit the following materials to my attention, at this office, **by 14 days after the date of this letter**:

- No submissions are necessary at this time.
- Include copies of all certified operator logs which document corrective actions taken to address the concerns outlined in this letter.
- Include a copy of the approved SESC plan for the referenced project.
- Include a corrective action report or plan detailing any actions taken, or actions which will be taken, to assure future compliance with Permit-by-Rule.
- Include a copy of your SESC permit and NOC, if applicable, to document that your permit coverage has been extended and is currently valid.

This Compliance Inspection Letter does not relieve the landowner(s) of any liability for past or continuing violations of NREPA.

If you have any questions, please contact me at 989-894-6277, silerm@michigan.gov.

Sincerely,



Matthew Siler
Environmental Quality Analyst

Enclosure: Notice of Termination Form (Form EQP 4662)

cc: Mr. Jim Thews, Saginaw County Public Works Commission
Mr. Dave Favero, Racer Trust