



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

September 23, 2024

VIA EMAIL

Marjorie Steele, Founder & Chair  
Economic Development Responsibility Alliance of Michigan

Dear Marjorie Steele:

SUBJECT: Marshall Megasite Mass Grading-Calhoun

Thank you for your letter of September 9, 2024, regarding the Marshall Megasite Mass Grading-Calhoun. The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is committed to working with the Marshall Area Economic Development Authority (MAEDA) to return the site to compliance. Each of your requested actions is addressed below. Your organization's requests are in **bold** font, with responses from EGLE in non-bold font.

- 1) Re-evaluate the determination issued on January 19th, 2024 that neither Part 301 nor 303 [Part 301, Inland Lakes and Streams, and Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended] permits are required for the project (submission #: HPS-ME3J-PHS7F), considering the impact the project has had already this summer.**

The determination letter dated January 19, 2024, was responsive to the very specific project plans and information provided with the application at that time and would not apply to subsequent modifications to the project. EGLE staff are in communication with representatives for the project and are evaluating the latest plans independently for regulatory authority, which may then lead to additional permitting requirements or compliance steps.

- 2) Calculate the cleanup and impact costs of the environmental damage to the wetlands and Kalamazoo watershed caused by MAEDA's project to date, and take necessary action to hold MAEDA financially accountable for cleanup costs and compensating watershed stakeholders.**

As you are aware, storm water discharged from the Marshall Megasite contained suspended sediment on multiple occasions. When EGLE staff conducted the most recent site inspection on August 6, 2024, the depth of sediment deposited in the on-site wetlands was minimal. This is not to say that the amount of sediment which left the site was insignificant. EGLE staff take the impact of sediment from the Marshall Megasite very seriously, and we are working on

solutions to reduce sediment discharges from the site; however, in this instance, removal of the sediment in the wetland and Kalamazoo River with hand tools or machinery may cause more damage than benefit.

Regarding the impact in the Kalamazoo watershed, it should be noted that sediment is the most significant pollutant in our nation's waterways. Sediment originates from natural sources, as well as numerous "point" and "nonpoint" sources of pollution and may be carried in flowing water for a substantial distance before settling out where water velocity slows down. Most cities have storm sewer systems that discharge directly to waterways without treatment. As a result, sediment from yards and streets is conveyed to streams and lakes. County drains and streams in agricultural areas are often turbid after rain events due to runoff from crop fields lacking recommended management practices, such as vegetative buffer strips, conservation tillage, and cover crops. With numerous potential sources of natural and unnatural sediment, it would be very difficult to determine the specific source of sediment deposition in a particular area and then assign costs to those various sources.

EGLE's work also includes grant programs and technical assistance designed to reduce discharges of nonpoint source pollution. Nonpoint source pollution encompasses sources of pollution that are not directly regulated by permits. Your organization is encouraged to work with EGLE to reduce the impact of nonpoint source pollution originating from local communities in the Kalamazoo River watershed. There are a variety of techniques that may be used, such as rain gardens, vegetative swales, and retention basins, which infiltrate storm water instead of discharging directly to local streams. Rain barrels and cisterns may be installed at homes and businesses to store rainwater for later use watering plants, lawns, and landscaping. Information is available at EGLE's [Nonpoint Source Program webpage](#). For further information, you may also contact the Nonpoint Source staff person for the Kalamazoo River Watershed, Janelle Hohm, Kalamazoo District Office-Water Quality Unit, Water Resources Division, at [HohmJ@Michigan.gov](mailto:HohmJ@Michigan.gov) or 269-568-2699.

**3) Deny all future permit renewals until all violations have been fully resolved, and MAEDA has made full financial compensation for damage.**

MAEDA holds a Soil Erosion and Sedimentation Control (SESC) permit through the County Enforcing Agency, which is the Calhoun County Road Department. This SESC permit is required for sites of earth change with one or more acres of earth disturbance and/or within 500 feet of a lake or stream. In addition, since there is an earth disturbance of over five (5) acres, MAEDA was also required by Michigan's Permit-by-Rule (Rule 323.2190, promulgated under Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended) to submit an application for Notice of Coverage, which is issued by EGLE. The Permit-by-Rule requires that the permittee comply with the requirements of the SESC permit and requires that a certified storm

water operator inspect SESC measures weekly and within 24 hours of a precipitation or runoff event that results in a discharge of construction storm water from the site.

SESC permits contain requirements for the landowner or easement holder that are designed to protect natural resources and public health. SESC permits and the Permit-by-Rule are enforceable and provide specific requirements that must be followed by the permittee. By law, EGLE may not deny a permit if all requirements for permit coverage have been met. The SESC permit is required to remain in effect until the earth changes have ceased and the site has been stabilized, meaning that all vegetation is fully established and any permanent control measures, such as riprap, have been installed. At that time, the permit may be terminated.

Thank you again for sharing your concerns regarding the Marshall Megasite. If you have any additional questions or concerns regarding this site, please contact Janelle Hohm.

Sincerely,



Phillip D. Roos  
Director  
517-284-6700

cc: Debra Shore, Regional Administrator, U.S. Environmental Protection Agency, Region 5  
Committee for Marshall – Not the Megasite  
Steve Hinkley, Calhoun County Road Department  
Ron Smith, Calhoun County Water Resources Commissioner  
Dr. Doug McLaughlin, Executive Director, Kalamazoo River Watershed Council  
Aaron B. Keatley, Chief Deputy Director, EGLE  
Regina Strong, Environmental Justice Public Advocate, EGLE  
Kara Cook, Chief Climate and Energy Strategist, EGLE  
Phil Argiroff, EGLE  
Cheri Meyer, EGLE  
Jennifer Klang, EGLE  
Janelle Hohm, EGLE