

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
PERMIT *Elro Romulus*

Elro Corporation
201 West Big Beaver Road
Suite 720
Troy, MI 48064

Permit No. 02-82-0018-P
Issued August 19, 2002
Extended
Revised
Expires August 19, 2007

Under the provisions of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended and specifically:

- ☐ Part 301 Inland Lakes and Streams ☐ Part 315 Dam Safety
☐ Part 325 Great Lakes Submerged Lands ☐ Part 323 Shorelands Protection and Management
☒ Part 303 Wetland Protection ☐ Part 353 Sand Dune Protection and Management
☐ Part 31 Floodplain/Water Resources Protection

Permission is hereby granted, based on permittee assurance of adherence to State requirements and permit conditions to:

Permitted Activity:

Place approximately 6,200 cubic yards of fill material within 3.9 acres of wetland, excavate 177 cubic yards of material from wetland in order to create a stormwater basin. Outlet stormwater at one location to wetlands. All of this work is for the purpose of creating a mixed use development of light industrial and residential homesites. The approved plans are six sheets. Sheets number 1, 4, 5 and 6 were prepared by King and MacGregor Environmental and are dated 9-26-01 with a last revision date of 1-28-2002. Sheets number 2 & 3 were prepared by MCS Associates and are dated 8-20-2001 with a last revision date of 1/14/2002. Any significant deviance from the aforementioned approved plans with respect to wetland dredge and fill activities must have prior written approval from the DEQ.

Water Course Affected: wetland

Property Location: Wayne County, City of Romulus, Section 8

Subdivision, Lot Town/Range 3S, 8E Property Tax No. 80 029 9 0004, 0006,0008

Authority granted by this permit is subject to the following limitations:

- A. Initiation of any work on the permitted project confirms the permittee's acceptance and agreement to comply with all terms and conditions of this permit.
- B. The permittee in exercising the authority granted by this permit shall not cause unlawful pollution as defined by Part 31, Floodplain/Water Resources Protection of the Natural Resources and Environmental Protection Act 451, PA 1994, as amended.
- C. This permit shall be kept at the site of the work and available for inspection at all times during the duration of the project or until its date of expiration.
- D. All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- E. No attempt shall be made by the permittee to forbid the full and free use by the public of public waters at or adjacent to the structure or work approved herein.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with Act 53 of the Public Act of 1974 and comply with each of the requirements of that act.
- G. This permit does not convey property rights in either real estate or material, nor does it authorize any injury to private property or invasion of public or private rights, nor does it waive the necessity of seeking federal assent, all local permits or complying with other state statutes.
- H. This permit does not prejudice or limit the right of a riparian owner or other person to institute proceedings in any circuit court of this state when necessary to protect his rights.
- I. Permittee shall notify the Department of Environmental Quality within one week after the completion of the activity authorized by this permit, by completing and forwarding the attached, preaddressed post card to the office addressed thereon.
- J. This permit shall not be assigned or transferred without the written approval of the Department of Environmental Quality.
- K. Failure to comply with conditions of this permit may subject the permittee to revocation of permit and criminal and/or civil action as cited by the specific State Act, Federal Act and/or Rule under which this permit is granted.

L. Work to be done under authority of [redacted]'s permit is further subject to the following special instructions and specifications:

As a condition of this permit the permittee agrees to fully execute the wetland restoration plan that is depicted on the approved drawings referenced in the permitted activity box of this permit. The restoration plan implementation timeframe shall be the same as the requirements of the wetland mitigation construction referenced later in this permit.

The authorization granted by this permit for the placement of fill in the wetland is contingent upon the completion of mitigation as follows:

1. A new 2.22 acre forested wetland and a 4.35 acre palustrine emergent and scrub/shrub wetland area shall be created in accordance with sheets 1,4,5 and 6 as prepared by King and MacGregor Environmental, Inc, dated 9/26/01, as revised 1/28/02.
2. Construction of the mitigation wetland shall be conducted prior to, or concurrently with, the rough grading of the permitted activity area. No construction on or use of permitted activity area may be undertaken until grading, soil placement, and establishment of hydrology has been completed on the mitigation wetland area.
3. There shall be a minimum of six inches of peat or suitable wetland soil over the entire mitigation area.
4. Maximum water depth within the mitigation area shall be 3.0 feet.
5. Appropriate emergent and scrub/shrub vegetation shall be planted within the mitigation area.
6. Permittee shall be responsible for monitoring the mitigation wetland development for a period of five years. Monitoring shall be conducted by the permittee's wetland consultant. A complete assessment of the wetland's development shall be made annually as prescribed herein, and an annual report shall be provided to the MDEQ no later than December 1 of each year.

Utilizing recognized and established scientific procedures, the annual monitoring report shall include:

- a. A measure of the percent cover wetland species versus upland species.
 - b. A measure of vegetation diversity.
 - c. A description of vegetation and animal community structure.
 - d. A record and description of hydrologic development.
 - e. A written summary of wetland development describing the progression of wetland development.
 - f. A photographic record of wetland each year.
7. Should the mitigation wetland fail to establish after two complete growing seasons or fail to satisfactorily progress to a self-sustaining wetland system as designed, the permittee shall:
- a. Assess the problem and its probable causes.
 - b. Develop reasonable and necessary corrective measures as a revision to the original plan.

- c. Submit a copy of proposed corrective measures to the MDEQ.
 - d. Upon MDEQ approval, immediately implement corrective measures.
8. Upon completing construction of the mitigation area, the permittee shall submit to the MDEQ a set of final "as built" plans prepared by a registered engineer.
 9. In the event the permitted activity is begun but not completed or the project is abandoned, the permittee or owner of record shall remain responsible for completion of the mitigation wetland and all conditions and limitations pertaining to the construction and development of the mitigation wetland, as shall be determined by the Department of Environmental Quality. Such determination shall be based upon the degree of disturbance to the wetland originally located at the site.
 10. Permittee shall, as a primary condition to the issuance of this permit, execute a Conservation - Preservation Easement in a form identical to the draft conservation easement attached hereto as Exhibit A covering the mitigation wetlands and remaining wetlands on site as shown on the permit plans. The executed Conservation-Preservation Easement must be returned to Michigan Department of Environmental Quality, Land and Water Management Division, Southeast District Headquarters, 38980 Seven Mile Road, Livonia, MI 48152 for review and recording within 60 days of the issuance of this permit.

Authority granted by this permit does not waive permit requirements under Part 91, Soil Erosion and Sedimentation, Natural Resources and Environmental Protection Act (1994, PA 451 as amended) or the need to acquire applicable permits from the County Drain Commissioner.

In issuing this permit, the Department of Environmental Quality has relied on the information and data which permittee has provided in connection with the permit application. If, subsequent to the issuance of this permit, such information and data prove to be false, incomplete, or inaccurate, the Department may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.

All raw areas resulting from the permitted construction activity shall be promptly and effectively stabilized with sod or seed and mulch) or other technology specified by this permit) in sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.

Permittee covenants not to sue the State of Michigan, or any of its departments, boards, commissions, officers, employees, or agents for any claim, whether legal or equitable, arising under or in any manner related to the privileges granted in this permit. Permittee hereby releases, waives, and discharges the State of Michigan and all of its departments, boards, commissions, officers, employees, and agents from any and all liability to permittee arising under or in any manner related to the privileges granted under this permit.

Permittee agrees to indemnify the State of Michigan and all of its departments, agencies, boards, commissions, officers, employees, and agents from any and all liability arising under or in any manner related to the issuance of the permit or the privileges granted under this permit.

All excavation/dredge spoils including organic and inorganic soils, vegetation, and other material removed shall be placed on upland (non-wetland or non-bottomland) prepared for stabilization and

stabilized with sod and/or seed, and mulch in such a manner so as to prevent and insure against erosion of any material into any waterbody, wetland, or floodplain.

The authority to conduct the activity as authorized by this permit is granted solely under provisions of the governing act as identified above. This permit does not convey, provide or otherwise imply approval of any other governing act, ordinance or regulation, nor does it waive the permittee's obligation to acquire any local, county or federal approval or authorizations necessary to conduct the activity.

Prior to the start of construction, all non-work wetland areas shall be bounded by filter fabric fences to prevent erosion into wetland and to prohibit construction personnel and/or equipment from entering or performing work in these areas. The fence shall be maintained throughout the construction process in accordance with Michigan Department of Transportation Standard Plans.

No permanent or temporary fill or excess soil or other material shall be placed in any wetland or surface water area not specifically authorized by this permit, its plans, and specifications.

Prior to the initiation of any permitted construction activities, a "fabric" erosion control fence (straw bales are not acceptable) shall be constructed immediately adjacent to the wetland boundary (on uplands) along the entire length of the wetland boundary on the construction site. This erosion barrier shall be maintained in good working order throughout the duration of the project. Upon project completion, the accumulated materials shall be removed and disposed of at an upland site. The erosion barrier shall then be removed in its entirety and the area restored to its original configuration and cover.

This permit has been issued for maximum time allowed under Part 303. Therefore, no extensions of this permit can be granted. The permittee's signature on this permit shall indicate the permittees acceptance of this condition.

Unless specifically authorized by this permit no soil or other material from the project may be deposited in or allowed to enter by neglect, lack of maintenance or willful intent any wetlands or surface water. All excess soil material shall be placed on upland (non-wetland, non-floodplain) site sodded or mulched and seeded to prevent erosion into surface waters or wetlands.

The permittee shall provide financial assurance, in the form of a bond or letter of credit, to the DEQ in the amount of \$200,000 U.S. dollars to ensure that the wetland restoration is completed, replacement wetland is constructed, the conservation easement is recorded, monitoring is completed, and that corrective actions are performed as required to comply with the mitigation requirements of this permit. The financial assurance instrument shall allow the DEQ to immediately secure all funds necessary to complete the required wetland restoration and mitigation. The financial assurance document must be provided to the DEQ and accepted prior to commencement of any permitted activities. The financial instrument will held by the MDEQ until such time the wetland restoration has been completed; mitigation site grading, planting and establishment of hydrology has occurred. Upon written confirmation by the MDEQ that the aforementioned tasks have been completed, the MDEQ will return 50% of 200,000.00. The MDEQ will then return 20% of the remaining amount each year a mitigation monitoring report is submitted and the MDEQ agrees that the wetland is developing satisfactorily.

Any modification or revision to the attached authorized plans, **with respect to wetland dredge and fill activities**, must be approved IN WRITING by the Department of Environmental Quality prior to construction.

This permit shall become effective on the date of signature by Department of Environmental Quality officer. Upon signing by the permittee named herein, this permit must be returned to the Land and Water Management Division, Department of Environmental Quality, Southeast Michigan District Headquarters, 38980 Seven Mile Road., Livonia, Michigan 48152 for final execution.

Permittee hereby accepts and agrees to comply with the terms and conditions of this permit.

X ETRO CORPORATION
[Signature] AUGUST 28, 2002
Permittee Date

X RICHARD A. SCHONHERR - EXECUTIVE VICE PRESIDENT
Printed Name and Title of Permittee

Russell J. Harding, Director
Department of Environmental Quality

By [Signature]
Andrew J. Hartz
District Representative
Land and Water Management Division

cc: Mr. John Jones, Wayne CEA
City of Romulus
Mr. Jeff King, King and MacGregor Environmental, Grand Rapids office
Ms. Colleen O'Keefe, DEQ
Ms. Cindy Emmons, DEQ