

**STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WATER BUREAU**

In the matter of:

ACO-SW08-001

Date Entered: 1-11-2008

Spring Lake-Lake Board  
414 Washington Avenue, Room 107  
Grand Haven, Michigan 49417

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**ADMINISTRATIVE CONSENT ORDER**

This document results from allegations by the Department of Environmental Quality (DEQ), Water Bureau (WB). The DEQ alleges the Spring Lake – Lake Board (Spring Lake Board) located at 414 Washington Avenue, Room 107, Grand Haven, Michigan 49417, is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the rules promulgated thereunder, specifically Rule 97, 2006, MR 1 R 323.1097 (Rule 97 Certification), issued to the Spring Lake Board for the treatment of Spring Lake in Ottawa and Muskegon Counties with aluminum sulfate (alum). The Board and the DEQ agree to resolve the violations by entry of this Administrative Consent Order (Consent Order).

**I. STIPULATIONS**

The Spring Lake Board and the DEQ stipulate as follows:

- 1.1 The NREPA MCL 324.101 et seq., is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Pollution Control, Part 31, Water Resources Protection, of the NREPA (Part 31), MCL 324.3101 et seq., and the rules promulgated pursuant thereto, provides for the protection, conservation, and the control of pollution of the water resources of the state.
- 1.3 The DEQ is authorized by Section 3112(2) of Part 31 of the NREPA to enter orders requiring persons to abate pollution, and the director of the DEQ may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).

- 1.4 The Spring Lake Board consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under Section 3112(4) of Part 31. The Spring Lake Board agrees not to contest the issuance of this Consent Order, and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. Both the DEQ and the Spring Lake Board agreed that this Consent Order shall become effective on the date it is signed by the field operations division chief of the WB, delegate of the director, pursuant to Section 301(b) of the NREPA.
- 1.5 The Spring Lake Board and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Spring Lake Board that the law has been violated.
- 1.6 The signatory to this Consent Order on behalf of the Spring Lake Board agrees and attests that he is fully authorized to assure that the Spring Lake Board will comply with all requirements under this Consent Order.
- 1.7 The Spring Lake Board shall achieve compliance with the aforementioned regulations in accordance with the requirements contained in Section III, Compliance Program, of this Consent Order.

## **II. FINDINGS**

- 2.1 On June 9, 2005, the Spring Lake Board was issued a Rule 97 Certification to add alum to Spring Lake pursuant to the requirements of the Rule 97 Certification to suppress the internal loading of phosphorus in Spring Lake.
- 2.2 On September 21, 2005, the DEQ received notification from Progressive AE, Spring Lake Board's engineering consultant that the alum treatment was to commence on or before October 3, 2005, and would be completed by November 11, 2005.

- 2.3 On November 2 and 3, 2005, approximately between the hours of 2:30 pm. and 2:00 a.m., 46,144 gallons of alum was discharged into Spring Lake, en masse, in violation of the Spring Lake Board's Rule 97 Certification.
- 2.4 On November 3, 2005, TeeMark Corporation, a contractor of Spring Lake Board notified Progressive AE of the alum spill into Spring Lake sometime between the hours of 6:45 am and 9:15 am. At approximately 9:15 a.m., the DEQ was notified by Progressive AE that an unauthorized discharge of alum had occurred into Spring Lake. However, the unauthorized discharge was discovered by Clearwater Marine, LLC at approximately 2:00 a.m., seven hours prior to the DEQ being notified.
- 2.5 On November 22, 2005, the DEQ sent Notice Letter (NL) No. NL-001266 to the Spring Lake Board and its contractors, TeeMark Corporation and Clearwater Marine, LLC for the unauthorized discharge of alum into Spring Lake in violation of Part 31 of the NREPA, the rules promulgated thereunder, and the Spring Lake Board's Part 97 Certification. The NL directed that all three parties submit individual written reports or a combined report detailing each party's respective role in the unauthorized discharge by December 10, 2005, including: the cause of the discharge, any remedial action that was taken, and the steps that would be taken to prevent any additional discharges in the future. The letter further directed that analytical data and the benthic survey that was conducted by the Spring Lake Board a month prior to the alum treatment be submitted to the DEQ as required under the Part 97 Certification.
- 2.6 On December 8, 2005, the DEQ received the written reports, the analytical data, and the benthic survey from and its contractors.
- 2.7 On March 29, 2006, the DEQ, Grand Rapids District Office, received the WB, Surface Water Assessment Section's (SWAS) report of an investigation conducted on November 3 and 4, 2005, to document the effects of the alum spill on the water and sediment chemistry of Spring Lake. The report stated that the spill likely caused immediate impacts to both the water and sediment chemistry and caused toxicity in portions of Spring Lake. The report further stated that the long-term effects of the spill could not be ascertained.

- 2.8 On May 24, 2006, the DEQ sent the Spring Lake Board a letter directing it to conduct additional studies to evaluate the ongoing impacts of the alum spill to Spring Lake based on results from SWAS's November 2005 survey. The letter directed the Spring Lake Board to submit a work plan to the DEQ for review and approval no later than July 1, 2006. The work plan was to include in part: the evaluation of the water and sediment chemistry and bulk sediment toxicity assessment.
- 2.9 On June 29, 2006, the DEQ received the work plan submitted by Progressive AE on behalf of the Spring Lake Board as required in the DEQ's May 24, 2006, letter.
- 2.10 On August 9, 2006, the DEQ, Grand Rapids District Office, received SWAS's evaluation of the work plan submitted by Progressive AE to the DEQ on June 29, 2006. The report stated that the work plan was not specific enough to describe how the long-term impacts of the alum spill into Spring Lake would be evaluated. The report provided details identifying the work plan's deficiencies including: describing the timing and method of the sampling, the name of the analytical lab and its credentials, and a provision for a final report.
- 2.11 On August 15, 2006, the DEQ was contacted by Mr. Tony Groves from Progressive AE to discuss SWAS's comments regarding the deficiencies with the work plan submitted on June 29, 2006. Mr. Groves stated that a revised work plan would be submitted to the DEQ. The DEQ did not receive a revised work plan until October 19, 2006.
- 2.12 On October 19, 2006, the DEQ received a revised work plan from Progressive AE. The DEQ reviewed the work plan and determined it was still deficient.
- 2.13 On January 22, 2007, the DEQ received a revised work plan from Progressive AE. The DEQ reviewed the work plan and determined it was sufficient on February 1, 2007.

### III. COMPLIANCE PROGRAM

IT IS THEREFORE AGREED AND ORDERED THAT the Spring Lake Board shall take the following actions to prevent further violations of Part 31 and the rules promulgated thereunder:

- 3.1 The Spring Lake Board shall implement and comply with all the requirements of the approved work plan dated January 16, 2007, except the work plan shall be implemented in 2008. The annual reports shall be due December 1 of each year beginning in 2008 and ending in 2011. The approved work plan shall become an enforceable part of this Consent Order. See appendix to review this document.
- 3.2 If, however, it is determined at a later date that the previously approved work plan required in this Consent Order does not provide an adequate evaluation of the long term impact of the alum spill to ensure that the Spring Lake Board meets its requirements under this Consent Order, the Spring Lake Board shall modify the work plan accordingly and submit it to the DEQ for review, comment, and approval by the DEQ. The Spring Lake Board shall send the revised work plan to the DEQ no later than thirty (30) business days after it is determined to be inadequate by the DEQ. Following approval by the DEQ, the modified work plan shall become an enforceable part of this Consent Order.
- 3.3 The Spring Lake Board shall implement and comply with all the requirements in the Rule 97 Certification issued to the Spring Lake Board on June 9, 2005.
- 3.4 The Spring Lake Board shall implement and comply with all of the requirements in Section III, and all of the conditions of this ACO.
- 3.5 The Spring Lake Board shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Grand Rapids District Supervisor, WB, DEQ, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2341. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

#### **IV. DEQ APPROVAL OF SUBMITTALS**

- 4.1 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by the Spring Lake Board, the following process and terms of approval shall apply.
- 4.2 All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Consent Order.
- 4.3 In the event the DEQ disapproves a work plan, proposal, or other document, it will notify the Spring Lake Board, in writing, specifying the reasons for such disapproval. The Spring Lake Board shall submit, within 30 days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Spring Lake Board of this disapproval.
- 4.4 In the event the DEQ approves with specific modifications, a work plan, proposal, or other document, it will notify the Spring Lake Board, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require the Spring Lake Board to submit, prior to implementation and within 30 days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify the Spring Lake Board of this disapproval.
- 4.5 Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.

- 4.6 Failure by the Spring Lake Board to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order and shall subject the Spring Lake Board to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in paragraph 9.3.
- 4.7 Any delays caused by the Spring Lake Board's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter the Spring Lake Board's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by the Spring Lake Board will be construed as relieving the Spring Lake Board of its obligation to obtain written approval, if and when required by this Consent Order.

#### **V. EXTENSIONS**

- 5.1 The Spring Lake Board and the DEQ agree that the DEQ may grant the Spring Lake Board a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WB, Enforcement Unit Chief, P.O. Box 30273, Lansing, Michigan 48909-7773, and the WB, Grand Rapids District Office, District Supervisor at the address in paragraph 3.4, no later than ten (10) business days prior to the pertinent deadline, and shall include:
- a. Identification of the specific deadline(s) of this Consent Order that will not be met.
  - b. A detailed description of the circumstances that will prevent the Spring Lake Board from meeting the deadline(s).
  - c. A description of the measures the Spring Lake Board has taken and/or intends to take to meet the required deadline.

- d. The length of the extension requested and the specific date on which the obligation will be met.

The district supervisor, in consultation with the Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

#### **VI. REPORTING**

- 6.1 The Spring Lake Board shall verbally report any violation(s) of the terms and conditions of this Consent Order to the WB, Grand Rapids District Supervisor by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). The Spring Lake Board shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

#### **VII. RETENTION OF RECORDS**

- 7.1 Upon request by an authorized representative of the DEQ, the Spring Lake Board shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to Part 31 or its rules. All such documents shall be retained by the Spring Lake Board for at least a period of three years from the date of generation of the record unless a longer period of record retention is required by Part 31 or its rules.

#### **VIII. RIGHT OF ENTRY**

- 8.1 The Spring Lake Board shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the lake at all reasonable times for the purpose of monitoring compliance with the provisions of this



Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

#### IX. PENALTIES

- 9.1 The Spring Lake Board agrees to pay to the State of Michigan **SEVENTEEN THOUSAND NINE HUNDRED AND SIXTEEN (\$17,916) DOLLARS** as partial compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order in accordance with paragraph 9.7.
- 9.2 The Spring Lake Board agrees to pay a civil fine of **FIFTEEN THOUSAND (\$15,000) DOLLARS** for the violations specified in Section II of this Consent Order. Payment shall be made within 30 days of the effective date of this Consent Order in accordance with paragraph 9.7.
- 9.3 For each failure to comply with the provisions of Section III and IV of this Consent Order, the Spring Lake Board shall pay stipulated penalties of **\$500** per violation per day for 1 to 7 days of violation, **\$1,000** per violation per day for 8 to 14 days of violation, and **\$1,500** per violation per day for each day of violation thereafter. Failure to perform any of the following requirements shall be considered separate violations of this Consent Order and are subject to stipulated penalties under this paragraph:
- a. Failure to submit an approvable work plan, proposal, or other document by the required dates in accordance with Section III.
  - b. Failure to implement, complete, or comply with any activity or condition required by Section III, including those contained in any approved work plan or other document required to be implemented and completed by Section III.
  - c. Failure to submit approvable revised work plans, proposals, or other documents addressing a DEQ disapproval or approval with modifications by the required

dates in accordance with paragraphs 4.3 or 4.4.

9.4 For each failure to comply with any other provision of this Consent Order not specified in paragraph 9.3, the Spring Lake Board shall pay stipulated penalties of **\$1,500** per violation per day for each day of violation. Failure to perform any of the following requirements shall be considered separate violations of this Consent Order and are subject to stipulated penalties under this paragraph:

- a. Failure to verbally report violations and submit written reports by the required dates in accordance with paragraph 6.1.
- b. Failure to retain records on site in accordance with paragraph 7.1.
- c. Failure to pay civil fines, costs, or stipulated or interest penalties by the required dates in accordance with this section.
- d. Any other requirement of this Consent Order.

9.5 Stipulated penalties accruing under paragraphs 9.3 or 9.4 shall be paid within 30 days after written demand by the DEQ in accordance with paragraph 9.7.

9.6 To ensure timely payment of the above civil fine, costs, and stipulated penalties, the Spring Lake Board shall pay an interest penalty to the General Fund of the State of Michigan each time it fails to make a complete or timely payment. This interest penalty shall be based on the rate set forth at MCL 600.6013(6), using the full increment of amount due as principal, and calculated from the due date for the payment until the delinquent payment is finally made in full.

9.7 The Spring Lake Board agrees to pay all funds due pursuant to this agreement by check made payable to the State of Michigan and delivered to the DEQ, Revenue Control Unit,

P.O. Box 30657, Lansing, Michigan 48909-8157. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. WTR- 3083.**

- 9.8 The Spring Lake Board agrees not to contest the legality of the civil fine or costs paid pursuant to paragraphs 9.1, and 9.2, above. The Spring Lake Board further agrees not to contest the legality of any stipulated penalties or interest penalties assessed pursuant to paragraphs 9.3, 9.4, and 9.5, above, but reserves the right to dispute the factual basis upon which a demand by the DEQ for stipulated penalties or interest penalties is made.

#### **X. FORCE MAJEURE**

- 10.1 The Spring Lake Board shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of the Spring Lake Board's obligations under this Consent Order in accordance with this section.
- 10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of the Spring Lake Board, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by the Spring Lake Board's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include, among other things, unanticipated or increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of the Spring Lake Board's actions or omissions.
- 10.3 The Spring Lake Board shall notify the DEQ, by telephone, within 48 hours of discovering any event that causes a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay,

the measures taken by the Spring Lake Board to prevent or minimize the delay, and the timetable by which those measures shall be implemented. The Spring Lake Board shall adopt all reasonable measures to avoid or minimize any such delay.

- 10.4 Failure of the Spring Lake Board to comply with the notice requirements and time provisions under paragraph 10.3 shall render this Section X void and of no force and effect as to the particular incident involved. The DEQ may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of paragraph 10.3, above.
- 10.5 If the parties agree that the delay or anticipated delay was beyond the control of the Spring Lake Board, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, the DEQ is the final decision-maker on whether or not the matter at issue constitutes a force majeure. The parties to this order understand and agree that the final decision by the DEQ regarding a force majeure claim is not subject to judicial review. The burden of proving that any delay was beyond the reasonable control of the Spring Lake Board, and that all the requirements of this Section X have been met by the Spring Lake Board, rests with the Spring Lake Board.
- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that the Spring Lake Board qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

#### **XI. GENERAL PROVISIONS**

- 11.1 With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Spring Lake Board to comply with the requirements of the NREPA and its rules.

- 11.2 The DEQ and the Spring Lake Board consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Part 31, MCL 324.3101 et seq.; and enforcement pursuant to Part 17, Michigan Environmental Protection Act, of the NREPA, MCL 324.1701 et seq.
- 11.3 This Consent Order in no way affects the Spring Lake Board's responsibility to comply with any other applicable state, federal, or local laws or regulations.
- 11.4 The WB reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WB is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.
- 11.5 Nothing in this Consent Order is or shall be considered to affect any liability the Spring Lake Board may have for natural resource damages caused by the Spring Lake Board's ownership and/or operation of the lake board. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
- 11.6 Spring Lake Board shall not dissolve the lake board in accordance with Part 309, Inland Lake Improvement, of the NREPA or otherwise terminate it until Spring Lake Board has fully complied with this Consent Order and the DEQ issues a Termination Notice (TN) as detailed under Section 12 of this Consent Order.
- 11.7 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
- 11.8 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.

## XII. TERMINATION

12.1 This Consent Order shall remain in full force and effect until terminated by a written TN issued by the DEQ. Prior to issuance of a written TN, the Spring Lake Board shall submit a request consisting of a written certification that the Spring Lake Board has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. Specifically, this certification shall include:

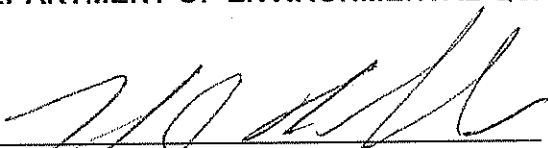
- a. The date of compliance with each provision of the compliance program in Section III, and the date any fines or penalties were paid.
- b. A statement that all required information has been reported to the district supervisor.
- c. Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the Spring Lake Board offices.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

Signatories


The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.


**DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
\_\_\_\_\_  
Frank J. Baldwin, Field Operations Division Chief  
Water Bureau

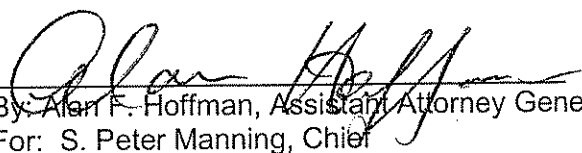
  
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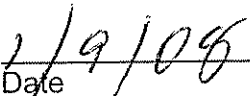
**SPRING LAKE – LAKE BOARD**

  
\_\_\_\_\_  
By: John Nash

\_\_\_\_\_  
Title: Chairperson  
  
\_\_\_\_\_  
Date

APPROVED AS TO FORM:

  
\_\_\_\_\_  
By: Alan F. Hoffman, Assistant Attorney General  
For: S. Peter Manning, Chief  
Environment, Natural Resources, and Agriculture Division  
Michigan Department of Attorney General

  
\_\_\_\_\_  
Date

## APPENDIX



January 16, 2007

**ProgressiveAE**

Ms. Karen Rae Boase  
Michigan Department of Environmental Quality  
Water Bureau  
Constitution Hall  
P.O. Box 30473  
Lansing, MI 48909

**WATER DIVISION**

**JAN 22 2007**

**ENFORCEMENT**

Re: Spring Lake – Lake Board Work Plan

Dear Ms. Boase:

Per your telephone conversation on January 12, 2007, with Mr. Tony Groves of my office, I am sending you a work plan that combines the elements stated in our letters to Mr. David Timm on October 17, 2006, and to you on December 21, 2006, relative to the November 2005 alum spill in Spring Lake.

On behalf of the Spring Lake – Lake Board, Progressive AE proposes to collect sediment and water samples once during spring turnover each year for four years at three locations in Spring Lake (Figure 1). Site 1 will be located at Prospect Point and serve as a reference site; Sites 2 and 3 will be located in the vicinity of the alum release.

Temperature will be measured in a vertical profile using an YSI Model 550A probe. Water samples will be collected from the surface, mid-depth, and bottom at Sites 1 and 3, and from the surface and bottom at Site 2 with a Kemmerer or VanDorn bottle to be analyzed for dissolved oxygen content, pH, total aluminum, and dissolved aluminum. Dissolved oxygen samples will be fixed in the field and then transported to Progressive AE for analysis using the modified Winkler method (Standard Methods Procedure 4500-O C). pH will be measured in the field using an YSI EcoSense pH10 meter. Total aluminum and dissolved aluminum samples will be placed on ice and transported to Trace Analytical for analysis using EPA Procedures 6010B and 6020, respectively.

Sediment samples will be collected using a petite Ponar sampler and analyzed by Trace Analytical<sup>1</sup> for percent total solids and aluminum using ASTM D2974 and EPA Procedure 6010B, respectively.

Additional sediment will be collected from each of the three locations for use in *Chironomus tentans* and *Hyalella azteca* ten-day acute whole sediment toxicity tests to be analyzed by Great Lakes Environmental Center<sup>2</sup> using EPA Method EPA/600/R-99/064.

Progressive AE  
1811 4 Mile Road, NE  
Grand Rapids, MI 49525 2442  
616 361 2664 VOICE  
616 361 1493 FAX  
www.progressiveae.com

<sup>1</sup> Trace Analytical Laboratories, Inc., 2241 Black Creek Road, Muskegon, MI 49444-2673. Certifications: National Environmental Laboratory Accreditation Program; MDEQ for microbiology and inorganic chemistry.

<sup>2</sup> Great Lakes Environmental Center, 739 Hastings Street, Traverse City, MI 49686.

Ms. Karen Rae Boase  
January 16, 2007  
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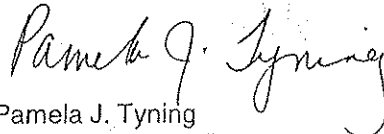
Annual reports will be submitted to the Chief of the Surface Water Assessment Section by December 1 of each year beginning in 2007 and ending in 2010. A final report shall contain:

- An introduction section that includes the description and details of the incident that includes the date, circumstances, and extent of the spill.
- A method section that includes details and a description of the sampling and techniques used, the USEPA sampling method numbers, the laboratory analysis and credentials of the laboratory used.
- A result section that contains an organized summary of tables and graphs, if applicable, the collected data and a narrative statement summarizing the data.
- A discussion and conclusion section that includes a comparison of reference to non-reference sites, and arguments for or against the need for site remediation.

If you have any questions about the information contained herein, please call me at 616/447-3377.

Sincerely,

PROGRESSIVE ARCHITECTURE ENGINEERING



Pamela J. Tynning  
Water Resources Department

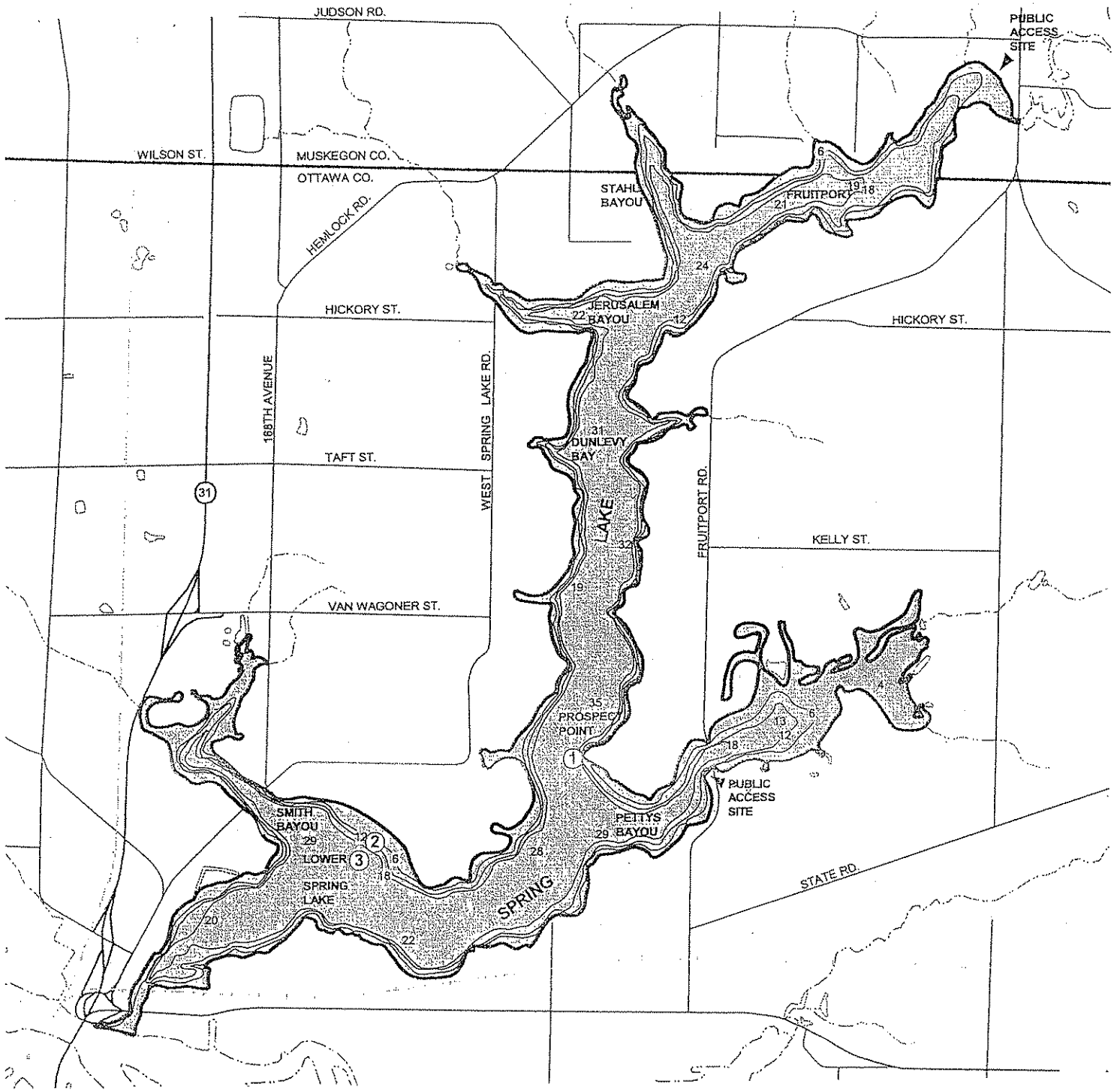


FIGURE 1 - SPRING LAKE SAMPLING LOCATION MAP