



IN REPLY REFER TO:

## United States Department of the Interior

NATIONAL PARK SERVICE  
Sleeping Bear Dunes National Lakeshore  
9922 Front St. (Hwy M-72)  
Empire, Michigan 49630-9797

July 11, 2012

L1425 (Tract #40-156, #40-157)  
L7617(SLBE)

Mr. Rick Ruzs, Chief of Groundwater Permits  
Michigan Department of Environmental Quality  
Constitution Hall, Permits Section, Water Bureau  
525 West Allegan Street  
P.O. Box 30473  
Lansing, Michigan 48909-7973

Dear Mr. Ruzs:

Thank you for your letter of May 16, 2012 responding to our request to modify the groundwater discharge permit issued to The Homestead resort. We have significant concerns about your response, and these are addressed below.

We disagree strongly with your contention that the permit's provisions to address spray drift are sufficient to *prevent* spray drift. They clearly are not, as we have three documented instances of effluent spray drift observed beyond easement boundaries, including a video recording from September 2011 that was sent to your staff. Incident records for these are enclosed.

The permit provisions serve merely to *correct* instances of drift when they inevitably occur, and even then only if they are observed by, or reported to, the operator, who is required to check only every two hours. Even if the drift happens to be brought to the attention of the operator, under the terms of the permit it may take place regularly, for up to two hours at a time.

Whether permit changes that would actually *prevent* rather than *correct* drift might also have the effect of reducing the volume of wastewater that may be treated on the easement parcels is not a valid reason to dismiss our request. The Homestead resort does not have the right to spray effluent on land outside its easement, as has occurred under the current permit. We hope you are not suggesting that their need to treat sewage generated by their operation somehow gives them this right.

You state that the WRD is committed to working with The Homestead to assure that spray drift is *prevented*. Yet in the same paragraph, you note that you have "suggested" modifications to their irrigation equipment to *minimize* spray drift. While we appreciate any such efforts, you can see by your own language that the goal of *prevention* is not being met.

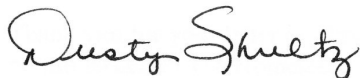
Finally, we appreciate your recommendation that we seek legal counsel regarding our recourse under nuisance conditions. However, we would first like to know what action the MDEQ would take if the terms of a permit they issue are being violated, and how we could request or initiate that action.

In short, we have requested the changes to the current permit because we believe strongly that its terms only serve to correct drift when it occurs, not to prevent it. Prevention of any drift is our goal. The MDEQ appears to believe that three observed instances of effluent spray drift onto National Park Service lands outside the easement are allowable and are insufficient to necessitate a permit modification. If that is the case, then how many instances of drift must be documented before you would acknowledge that a permit modification is needed?

We reiterate our contention that the distance of the permitted maximum wetted area should be 100 feet inside the easement boundary. State law says this distance is necessary to ensure that discharges shall not "become injurious," nor "cause nuisance" to adjacent property owners, and we believe it is necessary to ensure the same protection to visitors to the National Lakeshore.

Please contact Deputy Superintendent Tom Ulrich at (231) 326-5134, ext. 112, if you have any questions. Thank you for your consideration.

Sincerely,



Dusty Shultz  
Superintendent

Enclosures 3

cc:

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