



Plainfield Charter Township Official Press Release

August 05, 2009
Contact Persons:

George Meek, Supervisor (616) 364-8466
Robert Homan, Manager (616) 364-8466
Doug Van Essen, Attorney (616) 988-5600

The Charter Township of Plainfield (“Township”) announces that it has sued the State of Michigan’s Department of Environmental Quality (“MDEQ”) over the MDEQ’s recent change in positions that the Coit Avenue Gravel Pit is a “water of the state,” a regulatory term that means it cannot receive the water softening residuals from the Plainfield Charter Township’s Water Treatment Plant (“WTP”), as it has for over 15 years. The MDEQ’s new position, which was communicated through a June 30, 2009 letter from William Creal, MDEQ Water Bureau Chief, to the Township’s attorney, is a 180 degree turnaround from a letter issued by the MDEQ in 1988. In the 1988 letter, ruling the MDEQ specifically acknowledged that the Pit was *not* a surface water of the state, encouraging the Township to expand the WTP and use the Pit for the residuals management. On several occasions in the ensuing years, as recently as 2005, the MDEQ issued the Township permits to utilize the Pit for the Plant’s residuals—acts consistent with its 1988 position and inconsistent with its new stand.

“We have no real choice but to sue,” notes the Township’s Supervisor, George Meek. “We have millions of dollars invested in the Water Treatment Plant, which is cramped for space on its site adjacent to the Pit. The remaining undeveloped land available is reserved for well head protection and future plant expansion. It would cost millions of dollars to erect a lagoon on the banks of the Grand River, and the lagoon would consume space that is critical to the future development of the plant.” Meek continues, “We are always conservative with our taxpayers’ funds, but we are on increased vigilance during these difficult economic times. To waste millions of dollars simply because the MDEQ has changed its mind is not acceptable.”

“The MDEQ’s position makes no sense,” adds Robert Homan, the Township’s Manager. “Although the lime residuals pose no threat to the environment, which was confirmed recently by the MDEQ’s own study, to place them on the banks of the Grand River where they can be swept away by seasonal flooding defeats the purpose of managing them.” Homan notes that as recently as 2005, the MDEQ issued a permit to the Township to extend its outfall into the depths of the Pit, so that the residuals would fall to the bottom of the Pit, which is significantly lower than the bottom of the Grand River and safe from any periodic flooding.

“The suit is defensive,” says Doug Van Essen, the Township’s attorney for this suit. “We will ask the Kent County Circuit Court to resolve the controversy by declaring that the Pit is not a ‘waters of the state,’ and that the State may not legally change its position in light of the Township’s reliance. We believe that we have a strong case under the spirit and the letter of the law,” he continues. A decision is not expected for a year.