

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY PERMIT

ISSUED TO:

City of Rochester Hills
Mr. Paul M. Davis, P.E.
City Engineer
1000 Rochester Hills Drive
Rochester Hills, MI 48309

Permit No.	08-63-0137-P
Issued	August 28, 2008
Extended	
Revised	
Expires	August 27, 2013

This permit is being issued by the Michigan Department of Environmental Quality (MDEQ) under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and specifically:

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| <input type="checkbox"/> Part 301 Inland Lakes and Streams | <input type="checkbox"/> Part 315 Dam Safety |
| <input type="checkbox"/> Part 325 Great Lakes Submerged Lands | <input type="checkbox"/> Part 323 Shorelands Protection and Management |
| <input checked="" type="checkbox"/> Part 303 Wetlands Protection | <input type="checkbox"/> Part 353 Sand Dune Protection and Management |
| <input type="checkbox"/> 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 a total of 912 cubic yards into 11 wetland areas adding up to 0.31 acres of impact. The wetland areas are located adjacent to Hamlin Road, which is proposed to be widened between Crooks Road and Livernois Road. Provide 0.32 acres of emergent wetland mitigation to be located 0.10 miles southwest of the Hamlin Road and Crooks Road intersection within the boundaries of a parcel owned by the City of Rochester Hills. Temporarily disturb 0.09 acres of existing wetland at the mitigation area for placement of a wooden construction mat and temporary topsoil stockpiling.

Water Course Affected: Wetlands

**Property Location: Oakland County, City of Rochester Hills, Section 21 and 28
Subdivision, Lot Town/Range 3N, 11E Property Tax No.**

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

- 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.
- 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 NREPA.
- 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.
- All work shall be completed in accordance with the plans and the specifications submitted with the application and/or plans and specifications attached hereto.
- 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.
- 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.
- 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.
- 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.
- Permittee shall notify the MDEQ 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.
- This permit shall not be assigned or transferred without the written approval of the MDEQ.
- 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.
- Work to be done under authority of this permit is further subject to the following special instructions and specifications:

1. All work shall be completed in accordance with plans prepared by ASTI Environmental, Inc., and Orchard, Hiltz & McCliment, Inc., received on June 23, 2008, and wetland information/plans received through August 19, 2008, respectively. Said plans are kept on file at the MDEQ's Land and Water Management Division, Transportation and Flood Hazard Unit.
2. In issuing this permit, the MDEQ has relied on the information and data which the 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 MDEQ may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
3. The permittee is responsible for acquiring all necessary easements or rights-of-way before commencing any work authorized by this permit. All construction operations relating to or part of this project shall be confined to the existing right-of-way limits or other acquired easements.
4. The authority to conduct the activity as authorized by this permit is granted solely under the 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, state, or federal approval, or authorizations necessary to conduct the activity.
5. Noncompliance with these terms and conditions, and/or the initiation of other regulated activities not specifically authorized by this permit, shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, the MDEQ may initiate criminal and/or civil proceedings as may be deemed necessary to correct project deficiencies, protect natural resource values, and secure compliance with statutes.
6. If any change or deviation from the permitted activity becomes necessary, the permittee shall request, in writing, a revision of the permitted activity and/or mitigation plan from the MDEQ. Such revision requests shall include complete documentation supporting the modification and revised plans detailing the proposed modification. Proposed modifications must be approved, in writing, by the MDEQ prior to being implemented.
7. This permit may be transferred to another person upon written approval of the MDEQ. The permittee must submit a written request to the MDEQ to transfer the permit to the new owner. The new owner must also submit a written request to accept transfer of the permit. The new owner must agree, in writing, to accept all conditions of the permit. A single letter signed by both parties which includes all the above information may be provided to the MDEQ. The MDEQ will review the request and, if approved, provide written notification to the new owner.
8. A permit may be extended for cause. To request an extension of a permit, a written request must be submitted to the MDEQ before the expiration date of the permit. The request must indicate the reasons for the extension. The MDEQ will review the request and, if approved, provide written notification to the permittee.
9. Authority granted by this permit does not waive compliance requirements under Part 91, Soil Erosion and Sedimentation Control, of the NREPA. Any discharge of sediment into waters of the state and/or off the road right-of-way is a violation of this permit, Part 91, and Part 31, Water Resources Protection, of the NREPA. A violation of these parts subjects the permittee to potential fines and penalties.
10. If the project, or any portion of the project, is stopped and lies uncompleted for any length of time other than that encountered in a normal work week, every precaution shall be taken to protect the uncompleted work from erosion, including the placement of temporary gravel bag riprap or other acceptable temporary protection.

11. No work shall be done in the stream during periods of above-normal flows except as necessary to prevent erosion.
12. Temporary soil erosion and sedimentation control measures shall be installed before commencement of the earth change and shall be maintained daily. Temporary soil erosion and sedimentation control measures shall be maintained until permanent soil erosion and sedimentation control measures are in place and the area is stabilized. Permanent soil erosion and sedimentation control measures for all slopes, channels, ditches, or any disturbed area shall be installed within five (5) calendar days after final grading or the final earth change has been completed.
13. All raw areas resulting from the permitted construction activity shall be promptly and effectively stabilized with sod and/or seed and mulch (or other technology specified by this permit or project plans) in a sufficient quantity and manner so as to prevent erosion and any potential siltation to surface waters or wetlands.
14. All raw earth within 100 feet of a lake, stream, or wetland that is not brought to final stabilization by the end of the active growing season shall be temporarily stabilized with mulch blankets in accordance with the following dates: September 20th for the Upper Peninsula, October 1st for the Lower Peninsula north of US-10, and October 10th for the Lower Peninsula south of US-10.
15. All dredge/excavated spoils, including organic and inorganic soils, vegetation, and other material removed, shall be placed on upland (non-wetland, non-floodplain, or non-bottomland), prepared for stabilization, and stabilized with sod and/or seed and mulch in such a manner so as to prevent and ensure against erosion of any material into any waterbody, wetland, or floodplain.
16. All fill/backfill shall consist of clean inert material which will not cause siltation nor contain soluble chemicals, organic matter, pollutants, or contaminants. All fill shall be CONTAINED in such a manner so as not to erode into any surface water, floodplain, or wetland. All raw areas associated with the permitted activity shall be STABILIZED with sod and/or seed and mulch, riprap, or other technically effective methods as necessary to prevent erosion.
17. Graded riprap consisting of clean stone or cut rock shall be placed in sufficient quantity over geotextile fabric so all voids are filled to provide adequate erosion protection. If broken concrete is used, it shall be no larger than 24 inches in any dimension and free of protruding metal, contaminants, and other foreign material. It shall be placed in layers with staggered joints and voids filled with smaller riprap. Broken asphalt is not authorized at this site.
18. Prior to installation of storm water pipe outlets that ultimately discharge into Karas Drain or any other regulated resource, cofferdams of steel sheet piling, gravel bags, clean stone, coarse aggregate, concrete barriers, or silt fence shall be installed to isolate all construction activities from the drain or wetlands. The cofferdam 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 cofferdam shall then be removed in its entirety.
19. Prior to the initiation of any permitted construction activity, a properly trenched silt fence shall be installed along the entire route of the disturbed wetland area and maintained in good working order until permanent stabilization and re-vegetation of all disturbed areas has occurred. Silt fence shall be removed after re-vegetation. All excess soil material shall be placed on an upland site and seeded and mulched to prevent erosion into waters, floodplain, or wetlands.
20. Construction must be undertaken and completed during the dry period of the wetland.
21. If the area does not dry out, construction shall be done on equipment mats to prevent compaction of the soil.

22. Upon completion of the project, the site will be restored to the original contour elevation and stabilized with sod and/or seed and mulch to prevent erosion.

IDENTIFICATION OF NON-WORK AREAS

23. Prior to the start of construction, all non-work wetland areas shall be bounded by properly trenched filter fabric fence and orange construction fencing as necessary to prevent sediment from entering the wetland and to prohibit construction personnel from entering or performing work in these areas. Fence shall be maintained daily throughout the construction process. 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.
24. The permittee shall mitigate the loss of 0.31 acres of wetland at a minimum of one-to-one ratio.
25. Wetland mitigation will be allowed at a future date (within 12 months) of permit issuance.
26. The permittee shall execute a conservation easement over the mitigation wetlands and/or remaining wetlands on site as shown on the permit plans in a form identical to the conservation easement model on the MDEQ's website at www.michigan.gov/deqwetlands. The original executed conservation easement and associated exhibits must be sent to the MDEQ for review and recording within 120 days of the issuance of this permit. Send to: Conservation Easement Coordinator, MDEQ, Land and Water Management Division, P.O. Box 30458, Lansing, Michigan 48909, with a copy of the executed easement mailed to the MDEQ's District Office address above.
27. The conservation easement boundary shall be demarcated by the placement of signage along the perimeter. The signage shall be placed at an adequate frequency, visibility, and height for viewing, made of a suitable material to withstand climatic conditions, and should be replaced as needed. The signage shall include the following language:

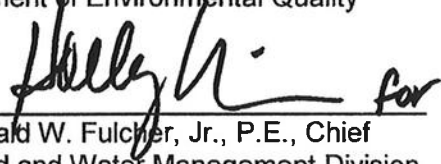
WETLAND CONSERVATION EASEMENT
NO CONSTRUCTION OR PLACEMENT OF STRUCTURES ALLOWED.
NO MOWING, CUTTING, FILLING, DREDGING, OR
APPLICATION OF CHEMICALS ALLOWED.
MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

28. Except as otherwise provided by this permit or approved in writing by the MDEQ, the following activities are prohibited in perpetuity within the mitigation area: alteration of topography; creation of paths, trails, or roads; placement of fill, dredging, or excavation; drainage of surface or groundwater; construction or placement of any structure; plowing, tilling, or cultivating the soils or vegetation; cutting, removal, or alteration of vegetation, including the planting of non-native plant species; construction of unauthorized utility or petroleum lines; storage or disposal of garbage, trash, debris, abandoned equipment, or accumulation of machinery or other waste materials; use or storage of off-road vehicles; placement of billboards or signage; or the use of the wetland for the dumping of storm water (except as otherwise allowed in this permit).
29. A storm water discharge permit may be required under the Federal Clean Water Act for construction activities that disturb one or more acres of land and discharge to surface waters. For sites over five (5) acres, the permit coverage may be obtained by a Part 91, Soil Erosion and Sedimentation Control (SESC), permit and filing a "Notice of Coverage" form to the MDEQ's Water Bureau. For sites with disturbance from one acre up to five acres, storm water coverage is automatic once the SESC permit is obtained. These one-to-five-acre sites are not required to apply for coverage, but are required to comply with storm water discharge permit requirements. Information on the storm water discharge permit is available from the Water Bureau's Storm Water Permit Program by calling 517-373-8088 or at www.michigan.gov/deqwater. Select "surface water" and then select "storm water."

- 30. The local unit of government in which this project site is located has a wetland ordinance. Authority granted by this permit does not waive permit requirements or the need to obtain a separate permit from the local unit of government.

- 31. *This permit is being issued for the maximum time allowed under Part 303, Wetlands Protection, of the Natural Resources and Environmental Protection Act, PA 451 of 1994, as amended, including all permit extensions allowed under the administrative rules R 281.813 and R 281.923. Therefore, no extensions of this permit will be granted. Initiation of the construction work authorized by this permit indicates the permittee's acceptance of this condition. The permit, when signed by the MDEQ, will be for a five-year period beginning at the date of issuance.*

Steven E. Chester, Director
Department of Environmental Quality

By  for
Gerald W. Fulcher, Jr., P.E., Chief
Land and Water Management Division

- cc: Oakland County Drain Commission
- Oakland County Public Health
- City of Rochester Hills Clerk
- Mr. Kyle Hottinger, ASTI Environmental, Inc.
- Mr. Mark Loch, Orchard, Hiltz & McCliment, Inc.
- Ms. Michele Conklin, MDOT, Local Agency Programs
- Ms. Cheryl Petroski, MDEQ, Water Bureau
- Ms. Anne Hokanson, MDEQ, LWMD
- Ms. Colleen O'Keefe, MDEQ, LWMD