

'Unprecedented' silt plume from Acme Meijer site could foul East Traverse Bay for months

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Gallery: Sept. 21 sediment plume in East Grand Traverse Bay

Update 10/23: [DEQ issues permit violation notice to developer](#)

ACME TOWNSHIP, MI — As a landscape contractor knowledgeable in the building trades, Steve Stinson knew what it meant to see heavy rains turn the blue water of East Grand Traverse Bay the color of chocolate milk.

[Field video of clay silt runoff from Acme Meijer development site](#) Steve Stinson narrates his perimeter walk around the Grand Traverse Town Center development site in Grand Traverse County following a major clay sediment runoff into Acme Creek and East Grand Traverse Bay on Sept. 21, 2014.

Stinson, an outdoorsman and hunter familiar with the woods around his home in Acme Township, knew exactly where to find the source of the murky brown runoff that had already made one appearance about two weeks earlier.

On Sunday, Sept. 21, prompted by the suspicion something was wrong, he and girlfriend Stacey McCalpin donned jackets, grabbed cameras and trudged up Acme Creek toward the site of a big mixed-use development under construction.

The pair found what watershed experts called the source of an “unprecedented” plume of clay-laden silt leaching into East Bay from the new Grand Traverse Town Center, a 160-acre development that will be anchored by a 196,000 square-foot Meijer store.

“When I saw that first big long snake plume, like coffee with lots of cream in it, I knew exactly what it was,” Stinson said. “When I saw the second one, it was like, ‘OK, something is obviously wrong.’”

Stinson’s photo and video evidence prompted state and county officials to begin investigating permit violations in earnest last month at the construction site, located northwest of Traverse City at M-72 and Lautner Road in Acme Township.

Environmental experts and local residents worry that the silt, which likely contains nutrients that feed algae blooms, could be fouling the bay for months before fixes underway take hold. Stinson, who has been closely watching the site for weeks, took more photos on Tuesday, Oct. 14 that showed the creek muddy with silt after a rain.

That’s despite efforts by developers to stem the flow of sediment polluting Acme Creek, a stream that runs along the site’s southwest border. Since late September, site workers have been “working ‘round the clock” laying down new topsoil, seed, mulch, spraying clay-binding chemicals and other mitigation attempts.

But whether that’s enough to avoid fines and other punishment by the state Department of Environmental Quality remains to be seen. If the site’s runoff issues continue, field investigators say the agency is likely to pursue enforcement.

“They can’t keep having discharges to the creek,” said Justin Bragg, a DEQ environmental quality analyst who has visited the site several times.

“They need to stabilize the site and make sure any erosion that could happen is minimized and stabilized,” he said.

There's been some progress made, but "we're not ruling anything out right now."

How and why did this happen?

[Ground was officially broken](#) on the massive development last October, although bulldozers did not begin moving dirt in earnest until this spring.

A 2005 file photo of an open field, former site of a working farm east of the village of Acme, where a Meijer store is being constructed on a development called the Grand Traverse Town Center. View is southeast from M-72 and Lautner Road. MLive file | John L. Russell

2006 rendering of the planned Meijer store in Acme Township. Courtesy

There was little fanfare to the groundbreaking despite a rocky decade-plus history of attempted development on the site, which has sparked lawsuits, a criminal investigation and a state investigation into violations of campaign finance law.

In May 2008, Terri Lynn Land, now-candidate for U.S. Senate but then Michigan's Secretary of State, levied about \$190,000 in fines and barred any future action against Walker-based Meijer Inc., after investigators determined the retailer had surreptitiously financed recall efforts against township leaders who objected to the superstore.

Related: [Land's \\$190k Meijer fine leaves state AG 'dumfounded'](#)

Meijer bought the land back in 1990 and announced plans for the store in 2002.

After all lawsuits were finally dropped or settled, new township officials in 2012 [approved development plans for the store](#), which will anchor at least one million square feet of planned retail space in what was once a hay field.

In August, site developer Village of Grand Traverse LLC received a \$17.8 million building permit for the project, called the Grand Traverse Town Center.

Earthmovers this summer stripped the topsoil from most of the property, revealing a substantial layer of clay substrate hidden underneath.

In John Nelson's mind, that's where they went wrong.

"They pulled the top vegetation off 140-acres of land," said Nelson, the Grand Traverse baykeeper. "The result is, when we had these rains, (the runoff) funnels and slopes down to Acme Creek, which is immediately adjacent the site."

The risk to Traverse City's blue economy

The big environmental concern is nutrients attached to the sediment, Nelson said.

"Nutrients encourage the growth of algae," he said. "When you have too much algae, it depletes the oxygen in the water as it grows and decays. It's also an aesthetic problem when it washes ashore and creates a sticky mess on people's beaches."

"It's certainly unprecedented and it's definitely a threat to the integrity of the water quality of the creek and the bay," Nelson said.

A 2012 photo of a duck among algae in Green Bay, Wis. MLive file | Jim Matthews

"It's a great concern to us."

The big anger for environmental stewards in the Grand Traverse Region, he said, is that Acme Township and Grand

Traverse County ordinances require developers limit exposed substrate for the shortest time possible.

The opposite occurred at the Grand Traverse Town Center site, which was cleared entirely. Temporary seeding and sediment control mats should have been used to reduce the amount of exposed soil vulnerable to runoff, he said.

Exactly why all the topsoil was removed isn't clear, but it's removal was highlighted as a risk in a letter to Acme Township officials by a planning consultant in July. Nelson's speculated that developers cleared the entire site's topsoil "to ensure the whole development was going to be developed and not just the Meijer store."

Steve Smith, an investor in the Village of Grand Traverse, initially denied the runoff even came from the site when contacted by MLive & The Grand Rapids Press.

"It didn't cause it," he said. "Talk to the county soil and sedimentation guy."

Smith later backpedaled a bit on the sediment source, saying "the contractor has been working around the clock" to fix the problem.

Several messages left this week with the Bruce Remai, supervisor of Grand Traverse County's Soil Erosion and Sedimentation Control Department, as well as with other members of the department staff, were not returned.

Max Bott, project manager with Elmer's Crane & Dozer, general contractor on the project, also did not return a message. Elmer's and engineering firm Gourdie-Fraser are both working the project.

Jay Zollinger, Acme Township supervisor, acknowledged the site wasn't seeded quickly enough to avoid the runoff issues, but said road construction and sub-surface infrastructure improvements necessitated the topsoil removal.

"It was required we built all this at one time," he said. "It wasn't done purposefully by people to cause something to go wrong."

Changes likely going forward

Since the two September plumes, Zollinger said contractors have been busy laying down new topsoil, seed, and paving some of the site to direct runoff to basins.

"I think they are making great progress," he said.

Both Nelson and Zollinger were quick to point out that the issues were with the developers and not Meijer.

Frank Guglielmi, spokesperson for Meijer, acknowledged the retailer was not independent from the site's development, but pointed to developers J.R. Anderson Real Estate and Village of Grand Traverse as the parties responsible.

Acme Creek filled with silt downstream of the Grand Traverse Town Center development site on Tuesday, Oct. 14, 2014. Courtesy | Steve Stinson

Meijer sometimes develops store sites on its own, but Guglielmi said in Acme, the company has contracted with developers to prepare the site. The store is anticipated to open in 2015 on the site's northeast corner.

"We are part of a very large development out there and we're at the complete opposite end of where this issue is occurring," Guglielmi said.

"When it came to our attention, we very quickly went to the developer and said, 'are you aware and what are you doing to fix it?'"

Nelson called the incident an opportunity to learn some lessons about the risk of removing so much topsoil and

stabilizing vegetation during development.

He and Stinson echoed regret that county officials did not act sooner, when the first plume was noticed coming from the site on Sept. 5. After the initial incident, county investigators dismissed the runoff as a natural occurrence despite Nelson's observation that the creek water was clear upstream of the site.

The county and the DEQ ordered more silt fences around the site after the Sept. 5 rain, but Nelson and Stinson said that obviously was not enough.

"They had two weeks in between the two storms," Nelson said. "They could have been doing some work to mitigate the problem."

Stinson's concern went a step further.

"If they can't get this right, what's going to happen when all the pavement goes down?" he questioned. "Is that going to work? What about oil and battery acid and everything off the roofs? What's going to happen to our stream and bay?"

Zollinger said Acme Township is likely to tighten up regulations that pertain to site clearance and soil coverage going forward. Without the big rains, "we'd probably have never had this," he said, adding that he was grateful overall to learn how such topsoil loss could impact developments during heavy rains.

"I know there are some citizens who are like everything we do is 'we told you this wouldn't work.' But most of the people realize rain has to go some place," he said.

"Things could have been done better, but our hindsight on anything is pretty good compared to our foresight," Zollinger said.

"I wouldn't want to go through this again."

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