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GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

June 23, 2005

Mr. Timothy R. Wolff
Village Manager
Village of Lake Isabella
1096 Queens Way
Lake Isabella, Michigan 48893

Dear Mr. Wolff:

SUBJECT: June 13, 2005, Meeting, Lake Isabella

This correspondence will confirm the results of our meeting with you and others held at the Lake Isabella office. The purpose of our meeting was to discuss recent actions taken by property owners believed to amend the recorded restrictions for the Airpark plat and to discuss the general criteria under which consideration might be given to the waiver of restrictions by the Michigan Department of Environmental Quality (MDEQ) and Central Michigan District Health Department (CMDHD) for this plat and other existing recorded subdivisions with limits on the number of lots allowed to be developed with individual on-site wastewater systems. Also present during our meeting were Mr. Craig Schripsema, P.E., Rowe Engineering; Ms. Michelle Patton, R.S. and Mr. Mike Kowaleski, R.S. of the CMDHD; and Mr. Sean Nalepka, R.S., MDEQ.

With respect to the plat of Airpark, pursuant to a vote of current property owners, amended restrictions were recorded on June 2, 2005, which were believed to waive the governmental restrictions imposed as a condition of approval by the then Michigan Department of Public Health (MDPH). As we discussed, based upon an opinion offered at the request of this office by the Department of Attorney General on June 10, 2005, which was shared with you at the time of our meeting, it remains our position that the original Section 29 of the building and the use restrictions continues to be enforceable by the MDEQ as successor to the MDPH. In this case, the waiver or release of Section 29 may only occur with the written agreement of the MDPH (now MDEQ), CMDHD, and Isabella County Board of Public Works.

When questioned as to the overall master plan that the Village now anticipates for existing platted subdivisions with limits on allowable build out, it was stated that the Village wishes that all plats be developed utilizing individual on-site wastewater systems. As discussed, and as has been communicated to you and others previously, while we are amenable to consideration of the possible waiver of restrictions, this consideration is contingent upon the receipt of additional site specific information that supports the sustainability of development that is protective of public health and the environment. Each existing platted subdivision will present its own unique set of site conditions to be dealt with in regards to suitability of natural soils, proximity to surface waters, and characteristics of the aquifers available for potable water supply. Historically, cursory evaluations have suggested the possibility that certain plats or portions thereof, including Lake Isabella North and South and Airpark, offer suitable soil conditions for further development. Such evaluations have also concluded that soils in Golf Estates No. 2 are not acceptable. In fact, based on an in depth re-evaluation of Lake Isabella North, agreement was reached and recorded that has allowed further development. The option to consider the utilization of cluster systems to serve groups of homes has also been suggested as a potential solution to be investigated.

During our meeting, for the plats of Airpark and Canterbury Estates, we discussed what site-specific information would need to be provided in addition to what has already been supplied by the Village and your engineering consultant. The following were discussed as needed in our consideration to waive restrictions:

Soils - at the time of original plat approval, only a very limited number of soil evaluations were completed since it was anticipated that on-site systems would be of a very temporary nature. Sufficient additional soils work must be scheduled and accomplished to document that all lots offer suitable soil conditions. We discussed with you the need to complete additional soil evaluations jointly by the MDEQ, CMDHD, and your engineer. This will necessitate that approval from the current lot owners must be obtained to gain access for soil evaluation.


Water Supply - Both plats were originally approved with a restriction requiring wells to be drilled to a depth of 60 feet based upon the results of a single test well located south of the plat of Airpark. Restricting wells to that depth was intended to allow protection from surface sources of contamination by penetrating a clay layer believed to exist throughout the area. Copies of additional well logs for wells completed since plat approvals and/or the results of additional test wells that may be constructed should be provided to reaffirm protection for the water supply aquifer. Additionally, up-to-date water quality information should be obtained from existing wells and/or test wells which supports suitability.

Also, please note that a review of available information after our meeting confirms the presence of an abandoned gas well once located in the vicinity of lots 36-37 of Airpark that should be accurately located. Permitting of any future water supply well would require a 300 foot distance from the gas well location unless variance to a lesser distance is approved based upon hydrogeologic information.

Direction of Groundwater Flow – Information suggests that restrictions imposed on percent development were based to some degree upon perceived impacts on-site systems may have that would adversely impact the water quality of Lake Isabella. The location of both plats is in areas where direction of groundwater flow would be expected to be away from the lake, which would negate potential negative water quality impacts. This needs to be affirmed with factual information.

We trust that the above summarizes the results of our recent meeting at Lake Isabella. Should you have additional questions or comments, please do not hesitate to contact this me.

Sincerely,



Richard A. Falardeau, P.E., Chief
Land Division & Local Health Unit
Drinking Water and Environmental Health Section