

STATE OF MICHIGAN
IN THE 17th CIRCUIT COURT FOR THE COUNTY OF KENT

DONNA BRANDENBURG,

Plaintiff, Pro Se

v.

2 0 5 5 7

Case No. _____ CK

CHRISTINA MIMS
(P-68216)

HON. _____

BYRON TOWNSHIP, an unincorporated
municipality in Kent County,

Defendant.

**COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF
NOW COMES PLAINTIFF DONNA BRANDENBURG**

8/8/2025

Donna Brandenburg a resident, affected upstream property owner, and upland
wetland custodian in Byron Township, Plaintiff Pro Se MCR 2.201(A) and MCR 2.117, and
files this Complaint for Emergency Injunctive Relief against Defendant, Byron Township,
and states as follows:

COMPLAINT FOR EMERGENCY INJUNCTIVE RELIEF NOW COMES Plaintiff, Donna
Brandenburg, Pro Se, and files this Complaint for Emergency Injunctive Relief against

Defendant, Byron Township, pursuant to MCL 324.30316 of the Natural Resources and Environmental Protection Act (NREPA), Part 303, Wetlands Protection, and states as follows:

INTRODUCTION

1. This is an action for emergency injunctive relief to address Defendant's illegal and ongoing draining of 264 million gallons or more of surface water and groundwater, down to a depth of 40 feet, from regulated wetlands in Byron Township, Kent County, Michigan, at a rate of conservatively 1 million gallons per hour (24 million gallons per day), beginning on or about July 28, 2025, and persisting as of August 8, 2025, without a permit or proper mitigation, in violation of MCL 324.30304 and MCL 324.32723.
2. Defendant's actions exceed the scope of its permit application, as evidenced by Exhibit A: 1260 WETLAND IMPACT SKETCH_20250414, which shows no authorization for water pumping or construction below 25 feet; Exhibit B: BYRON TWP AGENT AUTHORIZATION, which demonstrates Defendant's failure to conduct oversight or review permit limitations; Exhibit C: PERMIT PLANS.PDF, Page 14, and Exhibit D: HQ8-KPWF-SDHQ4_V3.PDF, Page 8, which authorize pumping only for damming and rerouting the Knight's Intercounty Drain; Exhibit E: WELL SURVEY WATER TABLE DROPPED, which confirms the water table dropped below Plaintiff's well depth at time of Defendant's actions; Exhibit F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (1 of 8 through 8 of 8), which visually document the unauthorized pumping equipment capable of extracting groundwater to 40 feet at a rate of 2000 gallons per minute each; Exhibit G: NATIONAL WETLANDS INVENTORY, which confirms the affected area's regulated wetland status; Exhibit H: PART 3 FINAL WETLANDS INVENTORY PER

MICHIGAN EGLE WETLANDS MAP VIEWER, which further confirms regulated status; and Exhibit I: PROPERTY OUTLINE, which establishes Plaintiff's standing as an adjacent property owner in the upstream wetlands.

3. Plaintiff seeks a court order to enjoin further unauthorized draining, compel restoration of the impacted wetlands and aquifer, impose civil penalties, and ensure compliance with large quantity water withdrawal regulations.

PARTIES

4. Plaintiff, Donna Brandenburg, is a resident of Byron Township, Kent County, Michigan, with standing as an adjacent property owner in the upstream wetlands, as shown in Exhibit I, whose well has been rendered inoperable due to the lowered water table caused by Defendant's unauthorized and ongoing draining of surface water and groundwater, as documented in Exhibit E.

5. Defendant, Byron Township, is an unincorporated civil township organized under the laws of the State of Michigan, with its principal office at 8085 Byron Center Ave SW, Byron Center, MI 49315.

JURISDICTION AND VENUE

6. This Court has jurisdiction pursuant to MCL 600.601 and MCL 324.30316, as this is a civil action seeking equitable relief for violations of state law.

7. Venue is proper in the 17th Circuit Court for Kent County pursuant to MCL 600.1629 and MCL 324.30316(1), as Defendant is located in Kent County, and the actions giving rise to this complaint occurred in Byron Township, Kent County, Michigan.

FACTUAL ALLEGATIONS

8. On or about July 28, 2025, Defendant, Byron Township, and/or its contractors initiated the draining of surface water and groundwater, down to a depth of 40 feet, from regulated wetlands located near the Knight's Intercounty Drain in Byron Township, at a rate of approximately 1 million gallons per hour (24 million gallons per day), totaling approximately 264 million gallons or more over at least 11 days (July 28–August 8, 2025) and continuing as of the date of this filing, as visually evidenced by Exhibit F: **IMAGES TAKEN OF 40' & 18' PUMPED WELLS (1 of 8 through 8 of 8)**, showing the pumping equipment capable of extracting groundwater to 40 feet.

9. The affected wetlands are regulated under Part 303 of NREPA, as confirmed by Exhibit G: **NATIONAL WETLANDS INVENTORY** and Exhibit H: **PART 3 FINAL WETLANDS INVENTORY PER MICHIGAN EGLE WETLANDS MAP VIEWER**, because they are connected to the Knight's Intercounty Drain, within 500 feet of an inland water body, or deemed essential by EGLE.

10. Defendant submitted a permit application to EGLE, documented in **Exhibit A: 1260 WETLAND IMPACT SKETCH_20250414**, which explicitly states that **no water pumping or construction activities were proposed below 25 feet** in the affected wetland area.

11. Defendant authorized an agent or contractor to perform activities in the wetlands, as evidenced by Exhibit B: **BYRON TWP AGENT AUTHORIZATION**, but failed to conduct oversight to ensure compliance with permit limitations and failed to properly review the restrictions set by EGLE, resulting in unauthorized draining activities.

12. The permit plans, documented in Exhibit C: PERMIT PLANS.PDF, Page 14, and Exhibit D: HQ8-KPWF-SDHQ4_V3.PDF, Page 8, authorize pumping only for the specific purpose of damming and rerouting the Knight's Intercounty Drain, and do not permit the large-scale draining of 264 million gallons or more of surface water and groundwater from regulated wetlands.

13. The draining of 264 million gallons or more of surface water and groundwater, at a rate of 1 million gallons per hour down to a depth of 40 feet, was not authorized by the permit application in Exhibits A, C, and D and constitutes an unpermitted activity in violation of MCL 324.30304, which prohibits draining water from a regulated wetland without a permit, as evidenced by the pumping equipment shown in Exhibit F (1 of 8 through 8 of 8).

14. Defendant's failure to oversee the authorized activity and review permit limitations, as shown in Exhibit B, despite visual evidence of the violation (Exhibit F), demonstrates negligence or willful disregard of its obligations under NREPA, exacerbating the violation.

15. Defendant failed to submit or implement a mitigation plan for the impacted wetlands and aquifer, as required by MCL 324.30312, further violating NREPA.

16. The draining activity constitutes a large quantity water withdrawal under MCL 324.32701 et seq., as it exceeds 2 million gallons per day (1 million gallons per hour = 24 million gallons per day), including groundwater extracted to a depth of 40 feet, requiring a permit from EGLE, which Defendant did not obtain, violating MCL 324.32723.

17. Defendant's actions have caused irreparable harm to Plaintiff, including the lowering of the water table below the depth of Plaintiff's well, rendering it inoperable, as documented in Exhibit

E: WELL SURVEY WATER TABLE DROPPED, conducted by Downing Well Drilling, and further harms including loss of wetland habitat, depletion of the aquifer, and increased flooding risk downstream, affecting Plaintiff's property in the upstream wetlands (Exhibit I), as visually supported by Exhibit F (1 of 8 through 8 of 8) and confirmed by Exhibits G and H.

LEGAL CLAIMS

COUNT I: VIOLATION OF MCL 324.30304 (UNAUTHORIZED WETLAND DRAINING)

18. Plaintiff incorporates by reference all preceding paragraphs.
19. MCL 324.30304 prohibits draining surface water or groundwater from a regulated wetland without a permit from EGLE.
20. Defendant's draining of approximately 264 million gallons or more of surface water and groundwater to a depth of 40 feet, exceeding the scope of its permit application (Exhibits A, C, and D), which authorized no pumping below 25 feet and only pumping for damming and rerouting the Knight's Intercounty Drain, and its failure to oversee the activity (Exhibit B) despite visual evidence (Exhibit F), constitutes a direct violation of MCL 324.30304.
21. Plaintiff is entitled to injunctive relief under MCL 324.30316 to enjoin further violations and compel restoration of the affected wetlands and aquifer.

COUNT II: FAILURE TO COMPLY WITH WETLAND MITIGATION REQUIREMENTS (MCL 324.30312)

22. Plaintiff incorporates by reference all preceding paragraphs.

23. MCL 324.30312 requires that any permitted wetland impact include a mitigation plan to replace lost wetland functions, subject to EGLE approval.

24. Defendant failed to submit or implement a mitigation plan for the impacted wetlands and aquifer, further violating NREPA.

25. Plaintiff is entitled to injunctive relief to compel Defendant to restore the wetlands and aquifer or implement an EGLE-approved mitigation plan.

COUNT III: VIOLATION OF LARGE QUANTITY WATER WITHDRAWAL

REGULATIONS (MCL 324.32723)

26. Plaintiff incorporates by reference all preceding paragraphs.

27. MCL 324.32723 requires a permit for water withdrawals exceeding 2 million gallons per day. Defendant's draining of 24 million gallons per day of surface water and groundwater without a permit violates this provision.

28. Plaintiff is entitled to injunctive relief to halt further unauthorized withdrawals and ensure compliance with EGLE regulations.

COUNT IV: NEGLIGENCE IN OVERSIGHT OF AUTHORIZED ACTIVITIES

29. Plaintiff incorporates by reference all preceding paragraphs.

30. Defendant had a duty to oversee activities authorized under Exhibit B: BYRON TWP AGENT AUTHORIZATION and to ensure compliance with permit limitations set by EGLE, as documented in Exhibits A, C, and D.

31. Defendant breached this duty by failing to monitor its agent's activities and review permit restrictions, as evidenced by the unauthorized draining of 264 million gallons or more of surface water and groundwater to a depth of 40 feet, visually shown in Exhibit F (1 of 8 through 8 of 8), causing irreparable harm to Plaintiff, including the loss of well water access (Exhibit E) on Plaintiff's property (Exhibit I), and to the public.

32. Plaintiff is entitled to injunctive relief to compel Defendant to implement proper oversight and prevent further unauthorized activities.

RELIEF REQUESTED

WHEREFORE, Plaintiff respectfully requests that this Court grant the following relief:

- A. Issue a preliminary and permanent emergency injunction enjoining Defendant, Byron Township, its agents, employees, contractors, and assigns, from further unauthorized draining or alteration of the regulated wetlands and aquifer at issue.
- B. Order Defendant to restore the affected wetlands and aquifer to their original condition, as nearly as possible, pursuant to MCL 324.30316(4), including the removal of any unauthorized drainage structures or pumps, as depicted in Exhibit F (1 of 8 through 8 of 8).
- C. Order Defendant to submit a wetland and aquifer mitigation plan to EGLE, if applicable, to address unavoidable impacts, pursuant to MCL 324.30312.
- D. Order Defendant to comply with MCL 324.32723 by ceasing unpermitted large quantity water withdrawals and obtaining necessary permits from EGLE.

E. Impose civil fines of up to \$10,000 per day for each day of violation of MCL 324.30304 (at least 11 days from July 28, 2025, to August 8, 2025, totaling up to \$110,000, with additional fines accruing for ongoing violations), as authorized by MCL 324.30316(2).

F. Award Plaintiff reasonable costs, including expert witness fees, as authorized by MCL 324.30316(5), if Plaintiff prevails.

G. Grant such other and further relief as the Court deems just and equitable.

Respectfully submitted, this 8th day of August, 2025.

I declare under penalty of perjury that this Complaint has been examined by me and that its contents are true to the best of my information, knowledge, and belief.



/s/ Donna Brandenburg
Donna Brandenburg, Plaintiff, Pro Se
6842 Byron Shores CT
Byron Center, MI 49315
(616) 430-4410
contact@donna4mi.com



ROSMERY VILLAR
NOTARY PUBLIC - MICHIGAN
KENT COUNTY
MY COMMISSION EXPIRES 02/20/2028
ACTING IN Kent COUNTY

Exhibit A: 1260 WETLAND IMPACT SKETCH_20250414

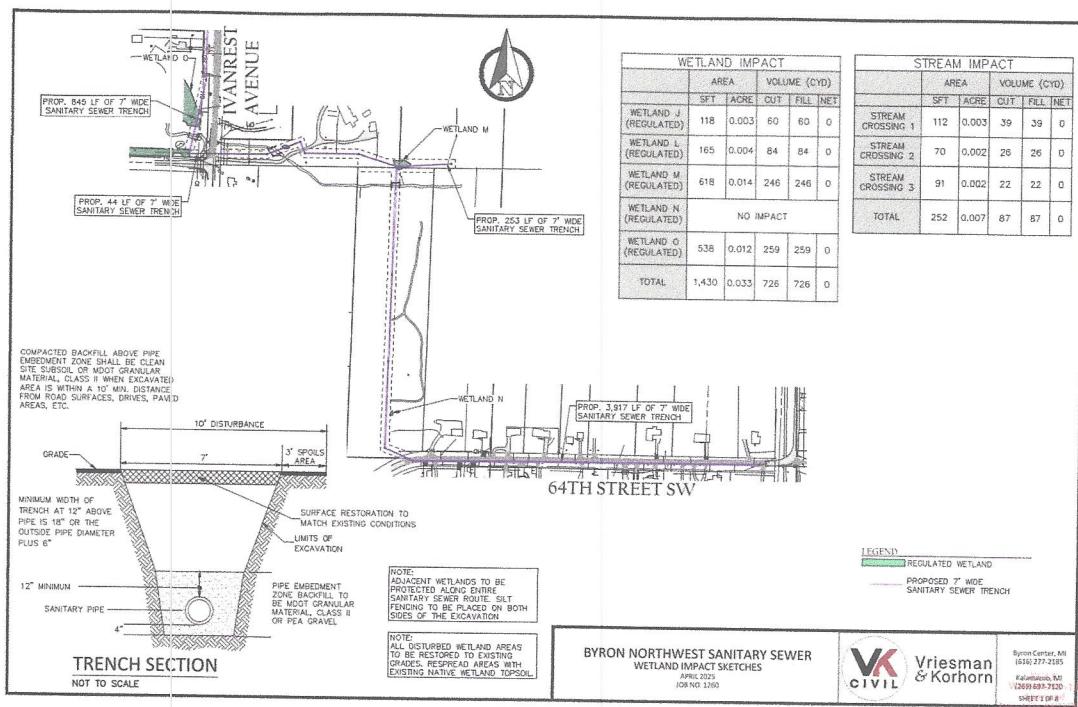


Exhibit B: BYRON TWP AGENT AUTHORIZATION

LETTER OF AUTHORIZATION MI DEGLE/USACE JOINT PERMIT

October 27, 2023

To whom it may concern:

This letter serves as authorization for VK Civil to act on behalf of Byron Township, 8085 Byron Center Ave SW, Byron Center, MI 49315, to apply for and secure a Joint Permit from the MI DEGLE/USACE for work associated with the Northwest Byron Sanitary Sewer Extension.

Applicant Name: Byron Township

Address: 8085 Byron Center Ave SW

City: Byron Center **State:** MI **ZIP:** 49315

Phone: 616-878-9066

Signature of Representative: Don Tillema

Print Name: Don Tillema

Authorized Agent Name: VK Civil

Address: 7885 Byron Center Ave SW Ste A

City: Byron Center **State:** MI **ZIP:** 49315

Phone: 616-277-2185

Signature of Representative: Jeffrey M. Grotter

Print Name: Jeffrey M. Grotter

Any questions related to this authorization can be directed to the Applicant's Authorized Agent.

EXHIBIT C: PERMIT PLANS.PDF PG 14

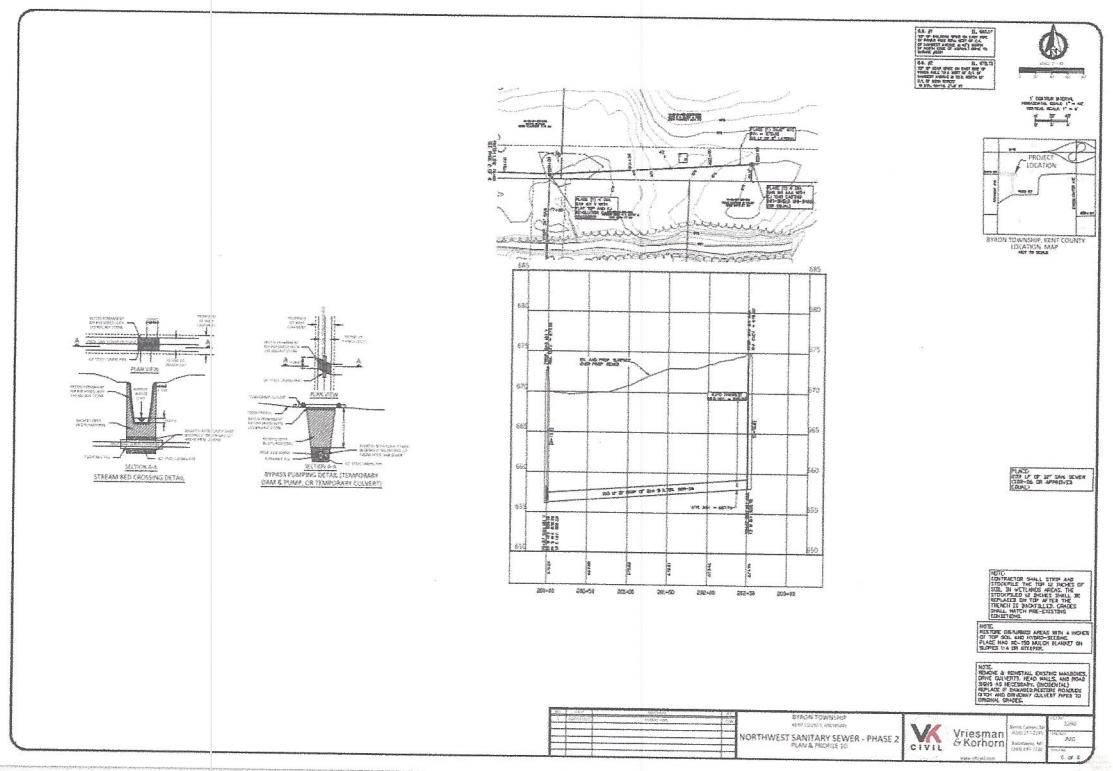


EXHIBIT D: HQ8-KPWF-SDHQ4_V3.PDF PG 8

If you are applying for a minor project permit, which project type(s) is being proposed?
MP 53. Utility Line Activities

If you are applying for a general permit, which project type(s) is being proposed?
NO GP CATEGORY (MP Category only)

Project Description

Project Use: (select all that apply - Private, Commercial, Public/Government/Tribal, Receiving Federal/State Transportation Funds, Non-profit, or Other)
Public/Government/Tribal

Project Type (select all that apply):
Utility - Sewer/water line

Please enter your answers in the text box for the next four questions. If you have a long description, please use the document upload at the end of the section. Please make every effort to enter your information directly into the application text boxes. If the answer is in an attachment, please identify that in the text box below.

Project Summary (Purpose and Use): Provide a summary of all proposed activities including the intended use and reason for the proposed project.

Byron Township is extending their Phase 1 trunk sanitary sewer from the previous end at Ivanrest Avenue and 64th Street towards the Township's population center, generally along the Knight's Intercounty Drain. The purpose of this Knight's Drain trunk sewer is to provide capacity relief to the Township's other trunk sewer, Goose Creek, which is nearing its capacity.

This permit is for Phase 2. A 24-inch PVC sewer and associated manholes will run through a public utility easement corridor through private property and Kent County Road Commission right-of-way.

Project Construction Sequence, Methods, and Equipment: Describe how the proposed project timing, methods, and equipment will minimize disturbance from the project construction, including but not limited to soil erosion and sedimentation control measures.

The estimated start date is April 2025 and continuing through November 2025. Tree, shrub, and grass clear-cutting is proposed through the entire sewer easement corridor (where necessary) prior to March 31, 2025. All appropriate soil erosion permits will be obtained. Silt fence will be used extensively throughout the project area to protect natural resources from disturbance.

There is minor filling proposed within a wetland, but in general, the ground level before construction will be the ground level after construction. The first layer of any wetlands soil will be removed and stockpiled. Additional overburden material will be removed and stockpiled, the pipe placed and backfilled with sand, and the removed material replaced. Finally, the wetlands/topsoil soil will be replaced over everything as it was before construction. Clay plugs will be placed at the ends of each defined wetlands to prevent draining.

Stream crossings will be performed by placing temporary earthen dams upstream and downstream of the pipe crossing. Bypass pumping will be used to draw down the upstream water and pump it around the opened trench to the downstream side. Sufficient pumping capacity and piping will be placed to ensure flow is maintained similar to existing flow rates.

CORRECTION REQUEST (APPROVED)

Open Trench for Stream

Please provide information about the open trenching through the stream. Will a temporary dam be used?
Created on 2/18/2025 10:32 AM by **Abigail Bultsma**

1 COMMENT

Aaron Van Proyen (aaron@vkcivil.com) (2/26/2025 11:22 AM)
Added bypass pumping notes. Yes, dams will be placed upstream and downstream with bypass pumping.

Project Alternatives: Describe all options considered as alternatives to the proposed project, and describe how impacts to state and federal regulated waters will be avoided and minimized. This may include other locations, materials, etc.
The route, alignment, and invert of this sewer are critical. The invert depths will be set slightly above the strictly controlled minimum allowed slope for a 24-inch pipe. This allowed for the maximum amount of area to be served within the Township but is also necessary to maintain adequate depth under stream crossings and through low areas.

Other alternate routes exist but would disturb more natural resources than the route chosen. For instance, the sanitary sewer is proposed to run under 64th Street, which is an already open, cleared road right-of-way corridor. The other option is run the sewer along the Knight's Drain, in a densely wooded, wet, lowland habitat area. By utilizing the road route, trees and vegetation and be saved and preserved.

The proposed method for installation is open trenching. Directional drilling is not a suitable method, and boring is not feasible, due to the fact that the sewer slopes and invert elevations are critical. Open trenching allows the most accurate installation method.

EXHIBIT E: WELL SURVEY WATER TABLE DROPPED

Downing Well Drilling LLC
727 Knoll Rd
Portland, MI 48375-8776
6163740955
office@downingwelldrilling.com
www.downingwelldrilling.com

Invoice 431-2386

BILL TO Kyle maas 2930 64th St Byron center mi	SHIP TO Kyle maas 2930 64th St Byron center mi	DATE 08/01/2023	PLEASE PAY \$0.00	DUUE DATE 08/01/2023
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DESCRIPTION	QTY	RATE	AMOUNT
Well System was working properly but due to the water table decreasing the pump is no longer capable of producing efficient water for the house a new well drilled to a deeper aquifer is required	1	350.00	350.00T

Thank you for your business.

PAID
TOTAL
1
TOTAL
PAYMENT
TOTAL DUE
\$0.00
THANK YOU

5% Late Fee will be added if payment not received by due date. We appreciate you supporting our business!

EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (1 of 8)



EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (2 of 8)



EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (3 of 8)



EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (4 of 8)



EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (5 of 8)



EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (6 of 8)



EXHIBIT F: IMAGES TAKEN OF 40' & 18' PUMPED WELLS (7 of 8)

