

45. An injunction will likely force the project to be delayed, potentially forcing the Township to remediate the site during the period of the injunction. This may also cause permits to expire.

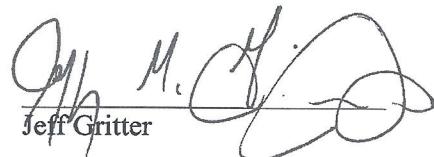
46. As a result, the Township would have to reapply for various approvals from state and local entities and push back the project timeline.

47. This becomes increasingly problematic as time passes, as the purpose of the project is to provide capacity relief to an adjacent sewer system, which is rapidly nearing its capacity.

Further Deponent sayeth not.

Dated: August 19, 2025.

STATE OF MICHIGAN)
)
) ss.
COUNTY OF KENT)



Jeff Gritter

Subscribed and sworn to before me this 19 day of August, 2025, by Jeff Gritter.

Colin Finch, Notary Public
Kent County, Michigan
My Commission Expires: 4/23/2027
Acting in the County of Kent

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

DONNA BRANDENBURG,

Plaintiff,

Case No.: 2025-20557-CK

v.

Hon. Christina Mims

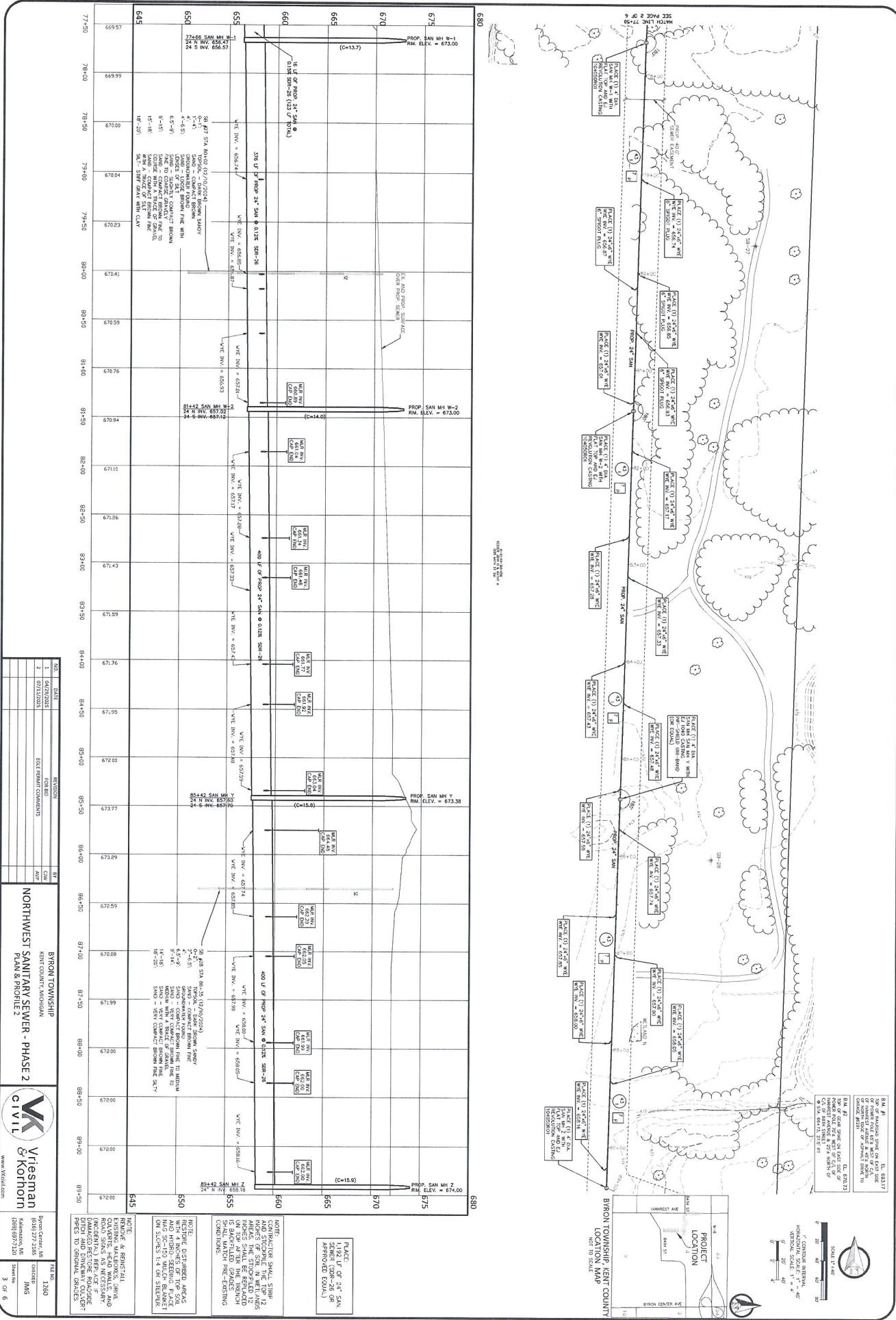
BYRON TOWNSHIP,

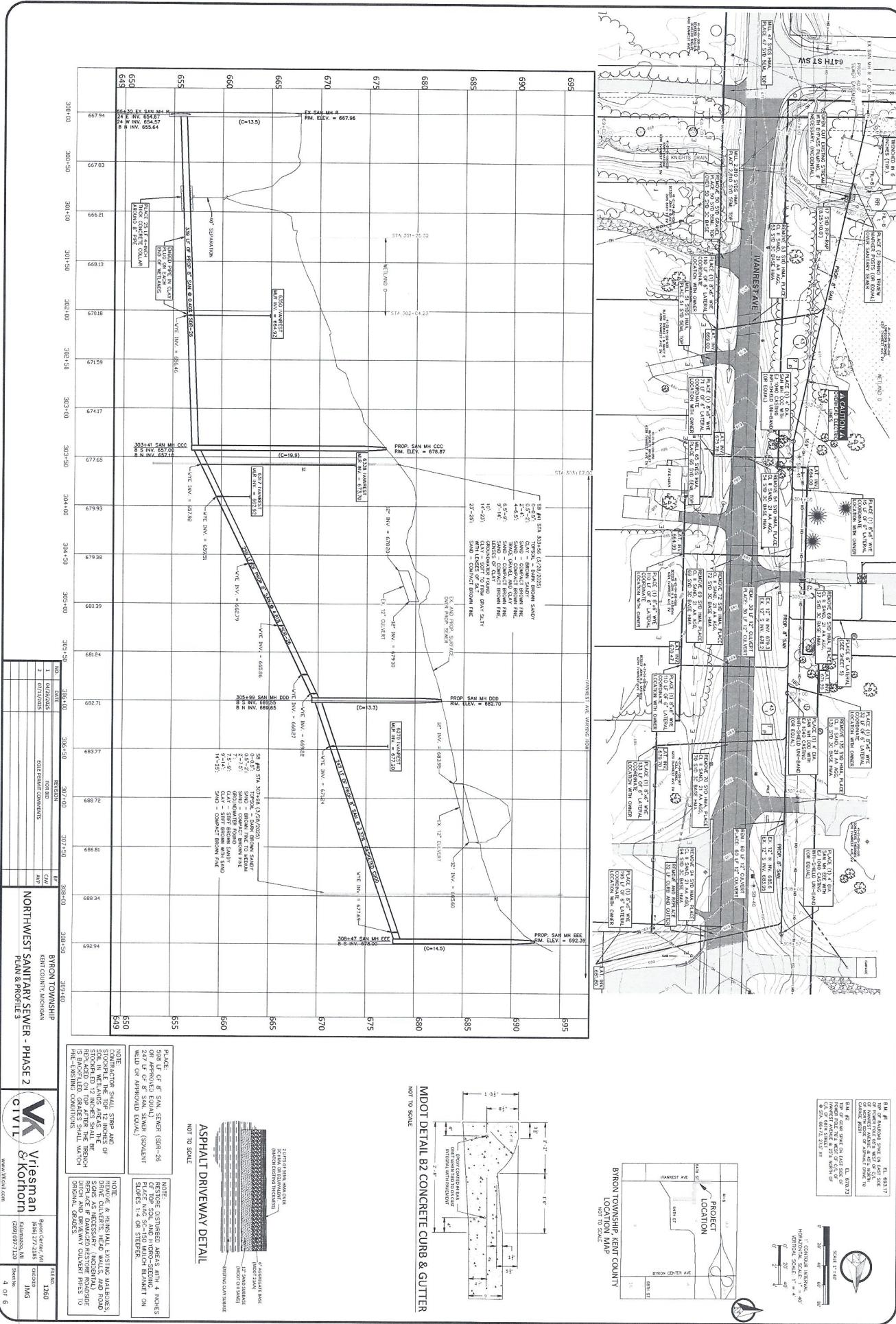
Defendant.

/

**DEFENDANT'S BRIEF IN SUPPORT OF MOTION FOR
SUMMARY DISPOSITION**

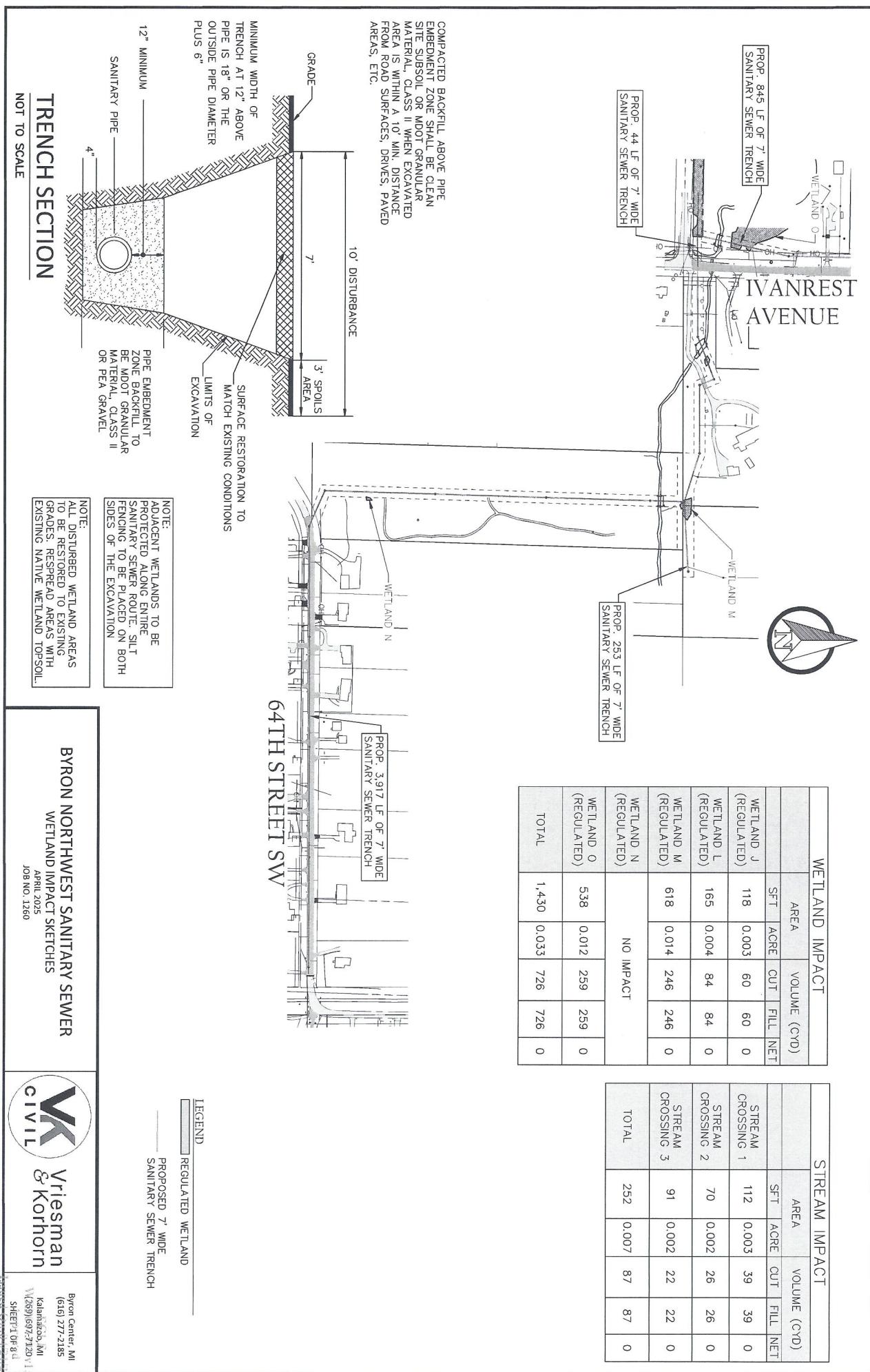
EXHIBIT 2

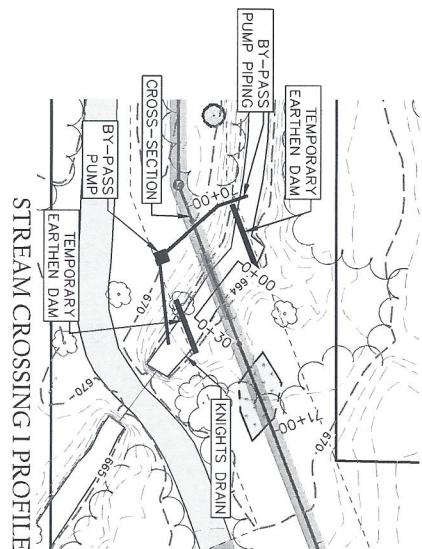
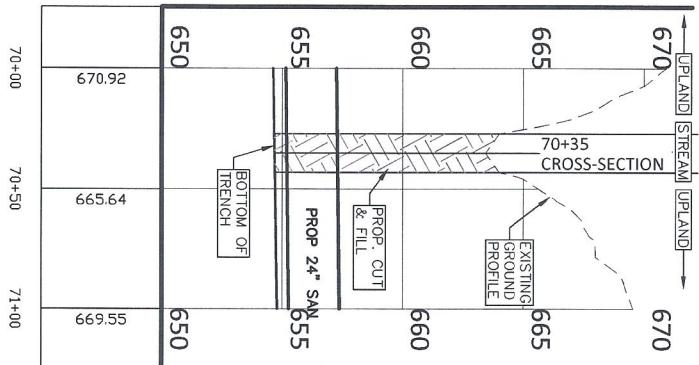




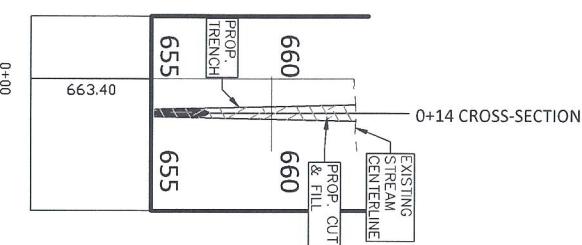
MDOT DETAIL B2 CONCRETE CURB & GUTTER

NOT TO SCALE

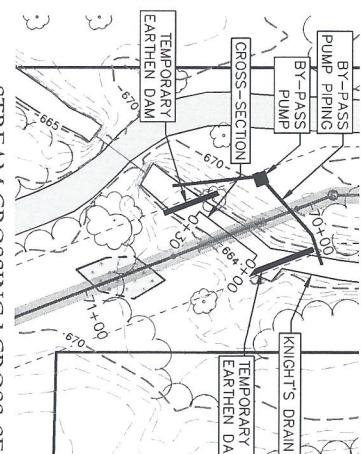




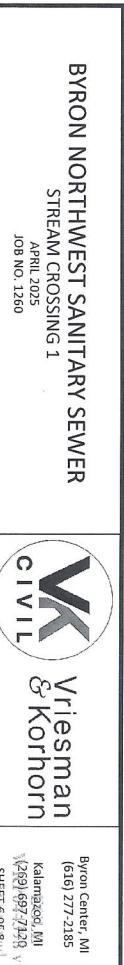
STREAM CROSSING PROFILE



STREAM CROSSING 1 CROSS-SECTION



TEMPORARY
EARTHEN DAM



PLAN VIEW PROFILE VIEW
SCALE: 1" = 50' HORIZONTAL: 1" = 50'
 VERTICAL: 1" = 5'

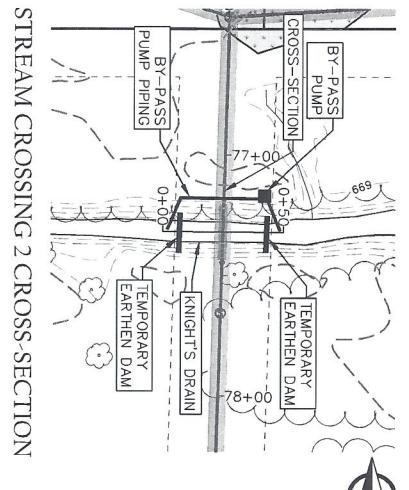
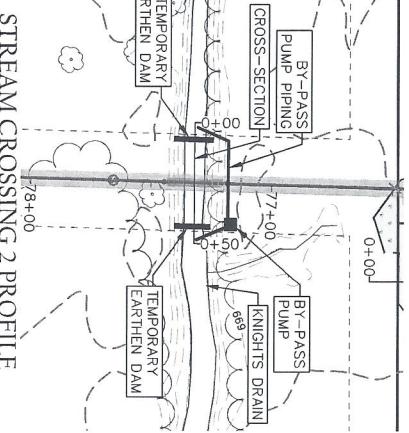
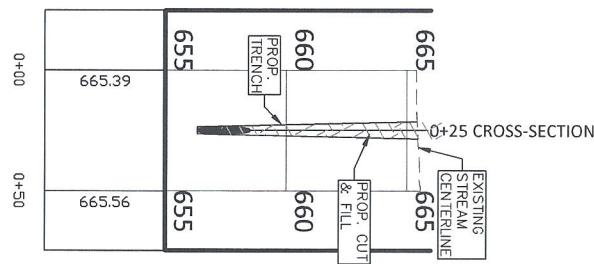
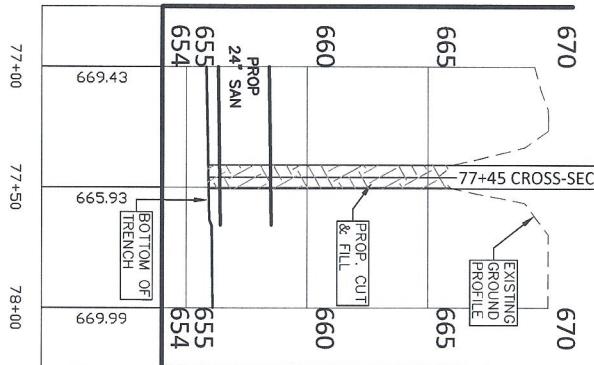
Byron Center, MI
(616) 277-2185
Kalamazoo, MI
(269) 697-7428 v1.0
SHEET 6 of 8cl
Issued On: 04/21/2030
Expires On: 04/21/2030

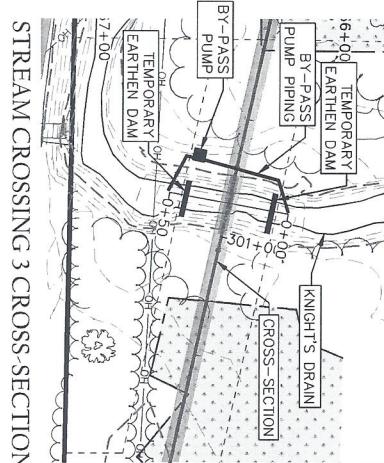
BYRON NORTHWEST SANITARY SEWER
STREAM CROSSING 2
APRIL 2025
JOB NO. 1260



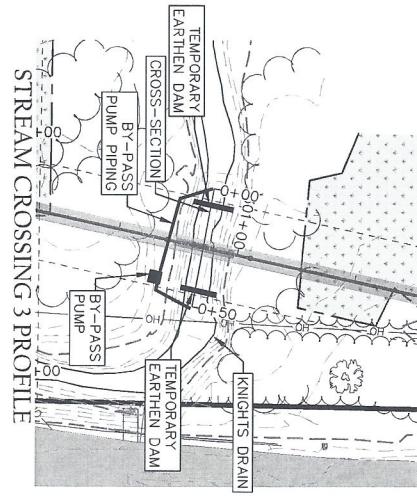
Vriesman
& Korhorn
CIVIL

PLAN VIEW PROFILE VIEW
SCALE: 1" = 50' HORIZONTAL: 1" = 50'
VERTICAL: 1" = 5'

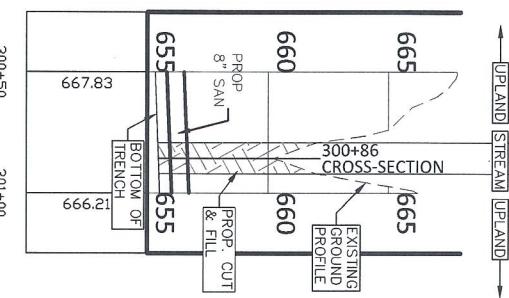




STREAM CROSSING 3 CROSS-SECTION

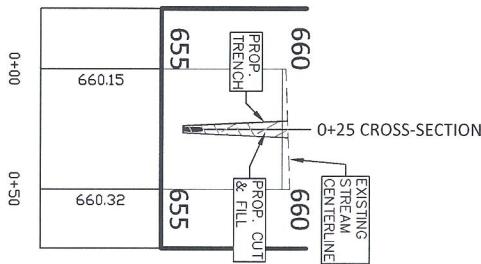


STREAM CROSSING 3 PROFILE



300+50

301+00



0+00

0+50

BYRON NORTHWEST SANITARY SEWER
STREAM CROSSING 3
APRIL 2015
JOB NO. 1260



Vriesman
& Korhorn

PLAN VIEW PROFILE VIEW
SCALE: 1" = 50' HORIZONTAL: 1" = 50'
VERTICAL: 1" = 5'

Byron Center, MI
(616) 277-2185
1/2(29) 697-7728 v.1
SHEET 8 OF 84
INSTRUMENT 2102-5
E.I. Prints On: 04/21/2015

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

DONNA BRANDENBURG,

Plaintiff,

Case No.: 2025-20557-CK

v.

Hon. Christina Mims

BYRON TOWNSHIP,

Defendant.

/

**DEFENDANT'S BRIEF IN SUPPORT OF MOTION FOR
SUMMARY DISPOSITION**

EXHIBIT 3

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT FOR CONSTRUCTION OF WASTEWATER SYSTEMS

SITE NAME:	Byron-Gaines Utility Authority CM	PERMIT NUMBER:	P41005488 v. 1
CONTACT NAME:	Barry Korhorn	ISSUED DATE:	July 11, 2025
CONTACT PHONE:	616-971-0002	ISSUED TO:	Byron-Gaines Utility Authority
CONTACT EMAIL:	bd.korhorn@bgua.org	PROJECT NAME:	NW Byron Sewer Phase 2
PROJECT COUNTY:	Kent	PROJECT LOCATION:	Byron Township

APPLICATION SUBMISSION ID: HQD-G3CW-BK53D

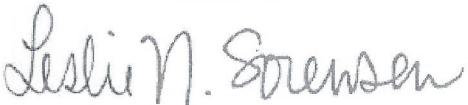
REQUIRED NOTIFICATIONS: The permittee shall submit a Construction Startup Notification (just prior to excavation) and a Construction Completion Notification (upon project completion) using the permit schedules in MiEnviro Portal.

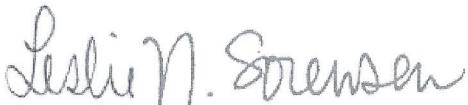
If this box is checked, please see the SPECIAL CONDITIONS on page 2.

ISSUED UNDER THE AUTHORITY OF THE DIRECTOR OF
THE DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE)

Issued By:

Reviewed By:


Leslie N. Sorensen, P.E.
Engineering Specialist


Leslie N. Sorensen, P.E.
Engineering Specialist

cc: Kent County Health Department
Jeff Gritter, P.E., Vriesman & Korhorn Civil Engineers
Aaron Van Proyen, P.E., Vriesman & Korhorn Civil Engineers

GENERAL CONDITIONS

- a. This PERMIT only authorizes the construction, alteration, addition, or improvement of the wastewater system as described herein and is issued solely under the authority of Part 41, Sewerage Systems, of Act 451.
- b. This PERMIT expires two (2) years after the above date of issuance unless construction starts prior to the expiration date in accordance with R 299.2939(2) of the Part 41 Administrative Rules.
- c. Any portion of the herein-described proposed wastewater project constructed prior to the date of issuance is not authorized by this PERMIT and is a violation of Part 41 of Act 451.
- d. No sewer shall be placed into service unless and until the outlet sewer has been constructed, tested, and placed into service.
- e. Failure to meet any condition of this PERMIT or any requirement of Act 451 constitutes a violation of Act 451.
- f. Issuance of this PERMIT does not authorize any violation of federal, state, or local laws or regulations, nor does it obviate the need to obtain other permits or approvals from EGLE or other units of government as required by law.
- g. The applicant must provide notice of impending construction to public utilities and comply with the requirements of the Underground Facility Damage Prevention and Safety Act, PA 174 of 2013, as amended (MISS DIG).
- h. All earth-changing activities must be conducted in accordance with Part 91, Soil Erosion and Sedimentation Control, of Act 451.
- i. All construction activity, including groundwater dewatering, impacting wetlands shall be conducted in accordance with Part 303, Wetlands Protection, of Act 451.
- j. If water withdrawal, via dewatering activities, is associated with this project, authorization under Part 327, Great Lakes Preservation, of Act 451, is required for new or increased large quantity withdrawals over 100,000 gallons per day (70 gallons per minute). A Part 327 permit is required for new or increased large quantity withdrawals over 2,000,000 gallons per day.

SPECIAL CONDITIONS

1. This permit does not have any special conditions in addition to the General Conditions listed above.

PROPOSED WASTEWATER PROJECT DESCRIPTION

Approximately 850 linear feet of 8-inch sanitary sewer along the west side of Ivanrest Avenue from 64th Street northerly to M-6, 250 linear feet of 12-inch sanitary sewer in a public easement on 6370 Ivanrest Avenue, and 2,300 feet of 24-inch sanitary sewer in a public easement from the intersection of 64th Street and Ivanrest Avenue east and south towards 64th Street, including manholes and laterals.

From: Alvarado, Mercedes (EGLE)
Sent: 4/21/2025 3:25:29 PM
To: "aaron@vkcivil.com" <aaron@vkcivil.com>
Cc: "Bultsma, Abigail (EGLE)" <BultsmaA@michigan.gov>;
"peggy@byrontownship.org" <peggy@byrontownship.org>; "Joel.Morgan@kentcountymi.gov"
<Joel.Morgan@kentcountymi.gov>; "ken.yonker@kentcountymi.gov"
<ken.yonker@kentcountymi.gov>; "Dubridge,Katelind" <katelind.dubridge@kentcountymi.gov>
Subject: WRP044398 v1.0 Permit and Plans
Attachments: Placard (WORD).pdf, Resources Individual or Minor Permit (WORD).pdf, 1260
WETLAND IMPACT SKETCH_20250414.pdf

Attached you will find a copy of the Permit and Plans issued for a project located at 41-6400 Ivanrest Ave SW-Byron Center. Please retain the attached documents for your records. Once the project is completed, please have the applicant contact Abigail Bultsma at 616-256-2192 or bultsmaa@michigan.gov, stating everything is completed and include any required photos.

Mercedes (Mercy) Alvarado

Mercedes (Mercy) Alvarado (she/her), Secretary
Grand Rapids District Office (GRDO)
Water Resources Division (WRD)
Michigan Department of Environment, Great Lakes, and Energy (EGLE)
616-333-9957 alvaradom3@michigan.gov
[Follow Us |Michigan.gov/EGLE](#)

To search for information on current and past permits, please visit our MiEnviro Site Explorer: <https://mienviro.michigan.gov/nsite/>

If you need this information in an alternate format, contact EGLE-Accessibility@Michigan.gov or call 800-662-9278.



This email and its contents are subject to the Freedom of Information Act and may be released to the public.

ATTACHMENT NAME:

Placard (WORD).pdf

ATTACHMENT TYPE:

Adobe Portable Document Format (PDF) compound image

EGLE
WRP044398 v1.0
Approved
Issued On:04/21/2025
Expires On:04/21/2030



**MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY
WATER RESOURCES DIVISION
PERMIT**

Issued To:

**Byron Township
8085 Byron Center Ave SW
Byron Center, MI 49315**

Permit No: WRP044398 v.1
Submission No.: HQ8-KPWF-SDHQ4
Site Name: 41-6400 Ivanrest Ave SW-Byron Center
Issued: April 21, 2025
Revised:
Expires: April 21, 2030

This permit is being issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division, under the provisions of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); specifically:

Part 301, Inland Lakes and Streams **Part 303, Wetlands Protection**

EGLE certifies that the activities authorized under this permit are in compliance with the State Coastal Zone Management Program and certifies without conditions under the Federal Clean Water Act, Section 401 that the discharge from the activities authorized under this permit will comply with Michigan's water quality requirements in Part 31, Water Resources Protection, of the NREPA and associated administrative rules, where applicable.

Permission is hereby granted, based on permittee assurance of adherence to State of Michigan requirements and permit conditions, to:

Authorized Activity:

Install 204 feet of 24-inch diameter sanitary sewer within a wetland and 31 linear feet of 24-inch sanitary sewer below Knight Drain by open trench methods. Install a temporary earthen dam within Knight Drain for the installation of the sanitary sewer. All work shall be completed in accordance with the approved plans and the specifications of this permit.

Waterbody Affected: Knight Drain and Adjacent Wetland
Property Location: Kent County, Byron Township,
Town/Range/Section 05N/12W/04,
Property Tax No. 41-21-04-100-038, 41-21-04-100-040, 41-21-04-300-058,
41-21-05-200-018

EGLE
WRP044398 v1.0
Approved
Issued On:04/21/2025
Expires On:04/21/2030

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

- A. 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.
- B. The permittee, in exercising the authority granted by this permit, shall not cause unlawful pollution as defined by Part 31 of the NREPA.
- C. 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.
- D. All work shall be completed in accordance with the approved plans and specifications submitted with the application and/or plans and specifications attached to this permit.
- E. 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.
- F. It is made a requirement of this permit that the permittee give notice to public utilities in accordance with 2013 PA 174 (Act 174) and comply with each of the requirements of Act 174.
- G. 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.
- H. 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.
- I. Permittee shall notify EGLE within one week after the completion of the activity authorized by this permit.
- J. This permit shall not be assigned or transferred without the written approval of EGLE.
- K. 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.
- L. All dredged or excavated materials shall be disposed of in an upland site (outside of floodplains, unless exempt under Part 31 of the NREPA, and wetlands).
- M. In issuing this permit, EGLE has relied on the information and data that the permittee has provided in connection with the submitted application for permit. If, subsequent to the issuance of a permit, such information and data prove to be false, incomplete, or inaccurate, EGLE may modify, revoke, or suspend the permit, in whole or in part, in accordance with the new information.
- N. The permittee shall indemnify and hold harmless the State of Michigan and its departments, agencies, officials, employees, agents, and representatives for any and all claims or causes of action arising from acts or omissions of the permittee, or employees, agents, or representative of the permittee, undertaken in connection with this permit. The permittee's obligation to indemnify the State of Michigan applies only if the state: (1) provides the permittee or its designated representative written notice of the claim or cause of action within 30 days after it is received by the state, and (2) consents to the permittee's participation in the proceeding on the claim or cause of action. It does not apply to contested case proceedings under the Administrative Procedures Act, 1969 PA 306, as amended, challenging the permit. This permit shall not be construed as an indemnity by the State of Michigan for the benefit of the permittee or any other person.
- O. Noncompliance with these terms and conditions and/or the initiation of other regulated activities not specifically authorized shall be cause for the modification, suspension, or revocation of this permit, in whole or in part. Further, EGLE 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.