



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



KEITH CREAGH
DIRECTOR

May 26, 2016

VIA OVERNIGHT MAIL

The Honorable Jack Proctor, Village President
Village of Lyons
212 Water Street
P.O. Box 175
Lyons, MI 48851-0175

Dear Mr. Proctor:

SUBJECT: Emergency Order-Lyons Dam, Dam ID No. 509, Ionia County

The Department of Environmental Quality (DEQ) has determined that a condition exists at the Lyons Dam where the dam is in imminent danger of failure. As the owner of the dam, you must take action to address this threat of dam failure.

The Lyons Dam is regulated by Part 315, Dam Safety, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Sec. 31521(1) of Part 315 states:

- (1) The department may issue emergency orders as provided in this section. The department may, by written notice, order an owner to immediately repair, draw down, breach, or cease operation of a dam where a dam is in imminent danger of failure and is causing or threatening to cause harm to public health, safety, welfare, property, or the natural resources or the public trust in those natural resources. If an owner fails to comply with an order, or is unavailable or unable to be contacted, then the department may undertake immediate repair, drawdown, breaching, or cessation of operation, as may be necessary to alleviate the danger, and may recover from the owner the costs incurred in a civil action commenced in a court of competent jurisdiction. The department may terminate an emergency order upon a determination in writing that all necessary emergency actions have been complied with by the owner and that an emergency no longer exists.

On May 13, 2016, the Dam Safety Program was notified by the Village of Lyons of a potentially serious problem with the principal spillway of the dam. A site inspection conducted on May 18, 2016, by Mr. Lucas A. Trumble, P.E., of the Dam Safety Program, confirmed that the dam is in a hazardous condition. At the left (west) abutment, where the former concrete abutment failed years ago leaving the adjacent riverbank unprotected from flow and erosion, the river bank has eroded to the point where only 15 to 20 feet of undisturbed river bank remains. This remaining undisturbed earth is now showing signs of erosion and material loss, likely the result of rainfall and high river flows. If left uncorrected, the dam will fail in this area, allowing the river to flow around the dam and further erode the bank. This could happen with relatively little warning.

Emergency Order-Lyons Dam, Dam ID No. 509

May 26, 2016

Page 2

Based on these findings, it has been determined that the Lyons Dam is in imminent danger of failing. Failure at the west abutment would lead to further erosion of the west bank, threatening a residential structure situated approximately 45 feet from the top of the existing bank, adjacent to the dam. In addition, failure of the west bank would likely threaten the west approach of the Bridge Street bridge located immediately downstream. Bridge Street is a major thoroughfare whose failure would essentially cut the village in half, drastically increasing the response time for police and fire crews. Failure may also result in erosion of the riverbed, possibly impacting a water main that crosses the river immediately downstream of the dam.

Therefore, the Village of Lyons is ordered to take the following actions:

1. By June 3, 2016, submit a plan and schedule to address the hazards posed by the Lyons Dam to this office for approval. This plan should call for corrective action to be implemented as soon as possible.
2. Implement the approved plan in accordance with the approved schedule.

Please note that Section 31521(3) of Part 315 states that:

The department shall provide the owner with an opportunity for a hearing pursuant to the administrative procedures act of 1969 within 15 days of the date of its issuance. At the hearing, the department shall determine, based on information and fact, if the emergency order shall be continued, modified, or suspended as necessary to protect public health, safety, welfare, property, or natural resources or the public trust in those natural resources.

If the village would like a hearing scheduled, please advise this office of that fact by June 1, 2016. The hearing would be for the purpose of determining whether this emergency order should be continued, modified, or suspended.

If you have any questions regarding this matter, please contact Mr. Lucas A. Trumble, P.E., Dam Safety Program, Water Resources Division, at 517-420-8923, or you may contact me.

Sincerely,



Philip Argiroff, Chief
Permits Section
Water Resources Division
517-290-3039

pa/sea

cc: Ms. Vicki Helms, Clerk, Village of Lyons – via e-mail
Ms. Susan Craft, Village of Lyons – via e-mail
Mr. Doug Devries, Ionia County Emergency Management
Mr. Luis Saldivia, DEQ
Mr. Byron Lane, DEQ
Mr. Lucas Trumble, DEQ