



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
GRAND RAPIDS DISTRICT OFFICE



DAN WYANT
DIRECTOR

February 25, 2014

Mr. Ken Callow
Melching, Inc.
2400 Lakeshore Drive
Muskegon, Michigan 49443

Dear Mr. Callow:

SUBJECT: Notice of Approval of No Further Action Report for the 2004 Fuel Oil Release from an Above Ground Storage Tank in Building 56 of the former Sappi Fine Paper, Muskegon, Muskegon County, Michigan Facility ID No. 61000359

The Department of Environmental Quality (DEQ), Remediation and Redevelopment Division (RRD), has reviewed the No Further Action (NFA) Report submitted by Kurt Koella, Lakeshore Environmental on December 16, 2013. The NFA Report was submitted under Section 20114d of Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Based on this review, the NFA Report is approved.

The DEQ has determined that the remedial action described in the NFA Report satisfies the requirements of Part 201 for the unrestricted residential cleanup category provided for in Section 20120a(1) of the NREPA for a portion of the facility where the 2004 fuel oil release from an above ground storage tank in Building 56 occurred. The soils and groundwater in the location of the former fuel oil release at the fire suppression pump house (Building 56) have been addressed for polynuclear aromatic hydrocarbons and benzene, toluene, xylene, ethylbenzene, 1,2,4-trimethylbenzene and 1,3,5-trimethylbenzene. Therefore, the NFA Report is approved, and this correspondence serves as the No Further Action Letter, as defined by Section 20101(1)(ee) of the NREPA.

As provided in Section 20126(4)(e) of the NREPA, a person with an approved NFA Report has an exemption to liability for the environmental contamination addressed in the NFA Report, but may be subject to liability for environmental conditions under the circumstances described in that subparagraph.

The DEQs approval is based upon representations and information contained in the NFA Report for the 2004 fuel oil release from an above ground storage tank in Building 56.

There are known conditions or hazardous substances present within the area covered by the NFA Report that have not been addressed by the remedial action that may cause an exposure risk to persons present within the area described in the NFA Report. Additional response activities or actions to comply with Section 20107a of the NREPA may need to be performed to assure the protection of persons using the area around the Building 56 location for any purpose. Further information regarding these conditions can be obtained from the RRD files in the Grand Rapids District Office located at 350 Ottawa Avenue NW, Grand Rapids, Michigan.

The DEQ expresses no opinion as to any other contaminants or areas beyond those identified and addressed as described in the NFA Report or as described above in this letter.

The DEQ makes no warranty as to the fitness of this facility for any general or specific use, and prospective purchasers or users are advised to use due diligence prior to acquiring an interest in or using this facility. The state reserves the right to take an action against Melching, Inc. if it discovers at any time that any material information provided by Melching, Inc. in the NFA Report was false or misleading.

All documents and data prepared, acquired, or relied upon in connection with this NFA Report must be maintained for not less than ten years after this approval pursuant to Section 20114d(7) of the NREPA, and shall be made available to the DEQ upon request.

If you have additional questions regarding this matter, please contact Heather Hopkins, Project Manager, at 616-356-0242; at hopkinsh@michigan.gov; or at DEQ, RRD, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, MI 49503; or you may contact me.

Sincerely,



David O'Donnell, District Supervisor
Grand Rapids District Office
Remediation Redevelopment Division
616-356-0226

cc: Mr. Kurt Koella, Lakeshore Environmental
Ms. Heather Hopkins, DEQ