



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
GAYLORD DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

June 3, 2021

VIA EMAIL  
RETURN RECEIPT REQUESTED

Mr. Michael Reaves  
Emmet County Administrator  
200 Division Street, Suite G74  
Petoskey, Michigan 49770-2486

Dear Mr. Reaves:

SUBJECT: Compliance Communication Regarding the Releases at Pellston Regional Airport,  
1395 North US 31, Pellston, Emmet County, Michigan;  
EGLE Facility ID No.: 24000139

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has information that environmental contamination is present on the Pellston Regional Airport property at 1395 North US 31 (Property) for which Emmet County is liable. Subject to Michigan's environmental cleanup law, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, EGLE considers Emmet County responsible for the contamination.

Past use of aqueous film forming foam (AFFF) formulations containing per- and polyfluoroalkyl substances (PFAS) occurred on the Property at the 1979 hangar fire location (HFL), AFFF storage areas (ASAs), and at the former firefighting training areas (FFTAs), including the West Test Area, Central Test Area, East Test Area, and South Test Area. Emmet County's 2020 investigation of the FFTAs, ASAs, and HFL identified perfluorooctane sulfonate (PFOS), perfluorooctanoic acid (PFOA), and perfluorohexanesulphonic acid (PFHxS) in groundwater up to 931 parts per trillion (ppt), 192 ppt, and 1880 ppt, respectively. An area where hazardous substances exceed the criteria for unrestricted residential use is known as a Facility as defined in Part 201, which triggers obligations under the law. The groundwater cleanup criteria for these hazardous substances are 16 ppt for PFOS, 8 ppt for PFOA, and 51 ppt for PFHxS. The concentration of PFOS, PFOA, and PFHxS found at the Property makes it a Facility regulated by Part 201, and steps are required to clean up the contamination.

Persons who are liable for a Facility pursuant to Section 20126 of Part 201 include the owners or operators of the Facility who are responsible for an activity causing a release or threat of a release of a hazardous substance. EGLE has determined that Emmet County is liable under Section 20126(1)(a) of Part 201. Emmet County has owned or operated on the Property since the 1930s and has released PFAS containing AFFF to the environment at multiple locations on the Property during airport firefighting training, emergency response equipment testing and incidents requiring emergency response since at least 1983.

As a person liable under Section 20126 of Part 201, Emmet County has an affirmative obligation to comply with Section 20114 of Part 201, which lists the requirements of a liable party to address environmental contamination. These steps include, as applicable:

- Immediately taking measures to contain or remove the contamination source;
- Notifying EGLE and affected neighbors if contamination has migrated off the Property;
- Delineating the extent of the contamination; and
- Undertaking the cleanup of the contamination.

Additional requirements under Section 20114 of Part 201 may apply to this situation.

EGLE is requesting Emmet County to submit any information that Emmet County believes will demonstrate compliance with Part 201 by July 06, 2021 to the following address:

Mr. Christiaan Bon, PG  
Senior Geologist  
Gaylord District Office  
Remediation and Redevelopment Division  
Department of Environment, Great Lakes, and Energy  
2100 West M-32  
Gaylord, Michigan 49735-4920  
Telephone: 989-370-9624  
Email: BonC@michigan.gov

Since environmental contamination is present on the Property, Emmet County also has a responsibility as the owner and operator of the Property to take certain measures, commonly called due care, to ensure that existing contamination on the Property does not cause unacceptable risks and is not exacerbated. The due care provisions are found in Section 20107a of Part 201, and include:

- Preventing exacerbation of the existing contamination;
- Preventing unacceptable human exposure and mitigating fire and explosion hazards to allow for the intended use of the Pellston Regional Airport Facility in a manner that protects the public health and safety; and
- Taking reasonable precautions against the reasonably foreseeable acts or omissions of a third party.

Additional guidance on complying with due care is found in Part 10 (Compliance with Section 20107a of Act) of the Part 201 Administrative Rules.

EGLE requests that Emmet County take the necessary steps to comply with Part 201. Emmet County may want to confer with an environmental consultant to assist in complying with the provisions of Part 201.

State law, including Part 201, authorizes EGLE to use public funds to undertake actions to protect the public health, safety and welfare, and the environment. Except as provided by Section 20101 and the liability provisions of Section 20126 of the NREPA, which provides for certain exceptions, exemptions, and defenses to liability, a person who is liable under Section 20126 of the NREPA is jointly and severally liable for all costs, including any associated interest, that are lawfully incurred by the state relating to the selection and implementation of response activity under Part 201, including the response activities specified by Sections 20107a, 20114, 20118, 20120a, 20120b, 20120c, 20120d, and 20120e of Part 201 of the NREPA, and Part 10

of the Part 201 Administrative Rules. Pursuant to state, federal, or common law, including Sections 20126a and 3115(2) of the NREPA, MCL 324.20126a and 324.3115(2), a liable person is subject to cost recovery actions by the state for all response activity costs incurred by the state at a facility. The State of Michigan previously has incurred response activity costs at the Facility. These costs were incurred to conduct response activities including groundwater sample collection and analysis, surface water sample collection and analysis, fish tissue sample collection and analysis, drinking water well sampling and analysis, and provision of bottled water and filters beginning February 11, 2020, to the present.

EGLE will continue with implementation of the response activities. Please be advised that EGLE may request assistance from the Michigan Department of Attorney General to recover from the liable persons any costs that are incurred by the state to perform these response activities, including any costs and associated interest that are incurred to develop, execute, oversee, or cancel any state contracts for the performance of these response activities.

The explanations of Part 201 in this letter should not be considered a complete listing of Emmet County's legal obligations. The Part 201 statute and rules can be found in its entirety at EGLE Web site: [www.michigan.gov/EGLE](http://www.michigan.gov/EGLE), by clicking on 'Land', 'Remediation', then 'Site Investigation and Remediation'.

The information used to prepare this letter is located in EGLE's Gaylord District Office, located at 2100 West M-32, Gaylord, Michigan 49735-4920. If Emmet County wishes to review this information or if you have questions regarding this letter, please contact the Project Manager, Christiaan Bon, at 989-370-9624 or via email at [BonC@michigan.gov](mailto:BonC@michigan.gov); or you may contact me at the telephone number listed below.

Sincerely,



Mr. Randall L. Rothe, District Supervisor  
Remediation and Redevelopment Division  
Gaylord District Office  
989-217-0083  
[RotheR@michigan.gov](mailto:RotheR@michigan.gov)

cc: Mr. Dave Boyer, Assistant County Administrator, Emmet County  
Ms. Abigail Hendershott, MPART  
Mr. Mike Neller, EGLE  
Mr. Josh Mosher, EGLE  
Ms. Mary Miller, EGLE  
Mr. Dan Yordanich, EGLE  
Mr. Dan Rockafellow, EGLE  
Mr. Christiaan Bon, EGLE  
Ms. Heidi Pixley, EGLE