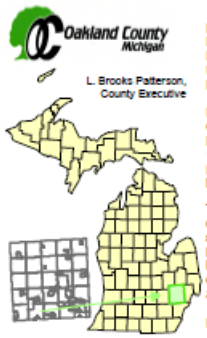
Collaborative Approach to Superfund DRCs

Brad Ermisch
Michigan Department of Environmental Quality
517-284-5092
ermischb@michigan.gov

Todd Fracassi, Esq.
Pepper Hamilton LLP
248-359-7304
fracassit@pepperlaw.com

Rose Township Dump



Oakland County
Michigan

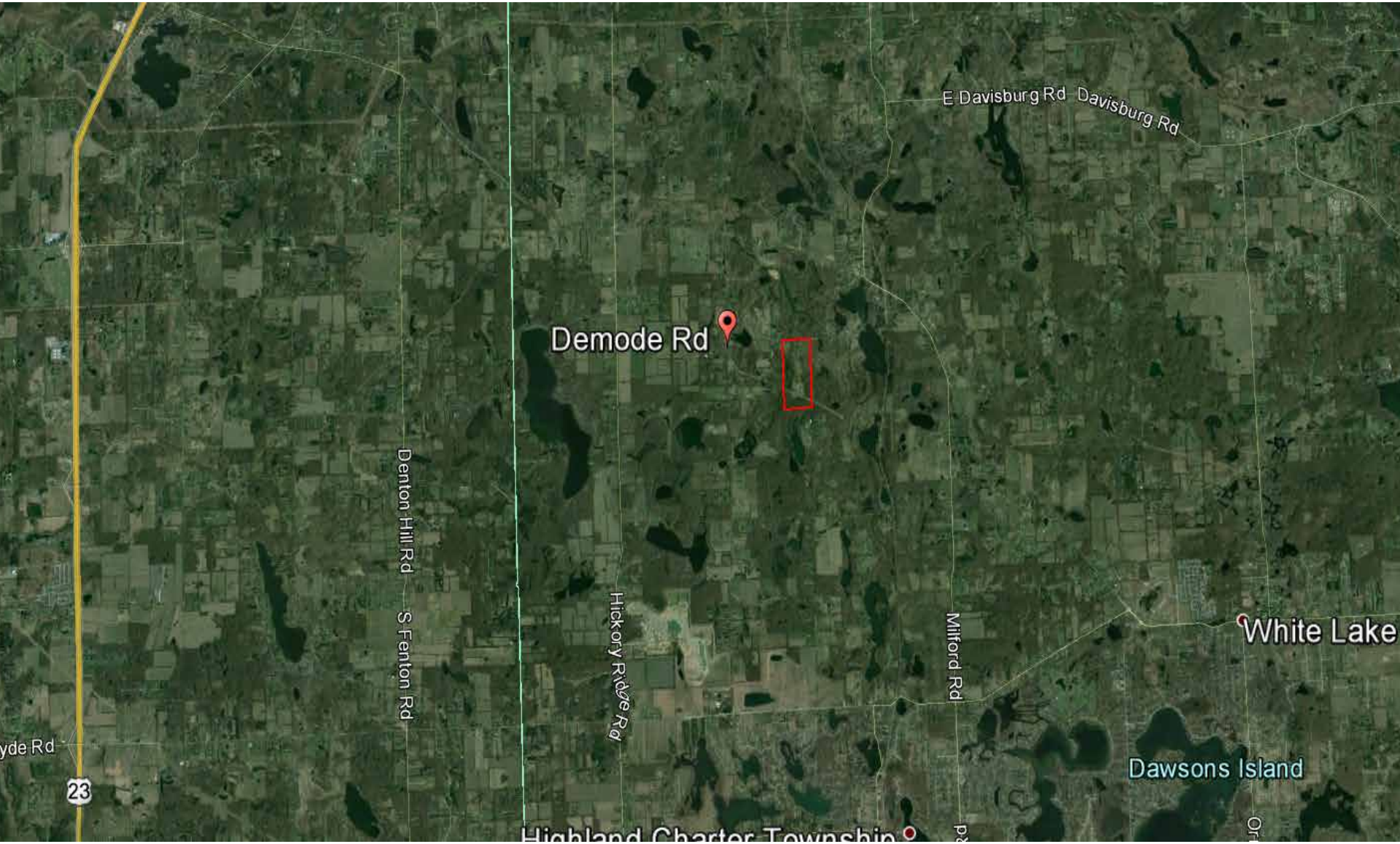
L. Brooks Patterson,
County Executive

Map Projection:
Michigan State Plane (S)
Datum: NAD 83
Units: International Feet
Map Rotation: -357

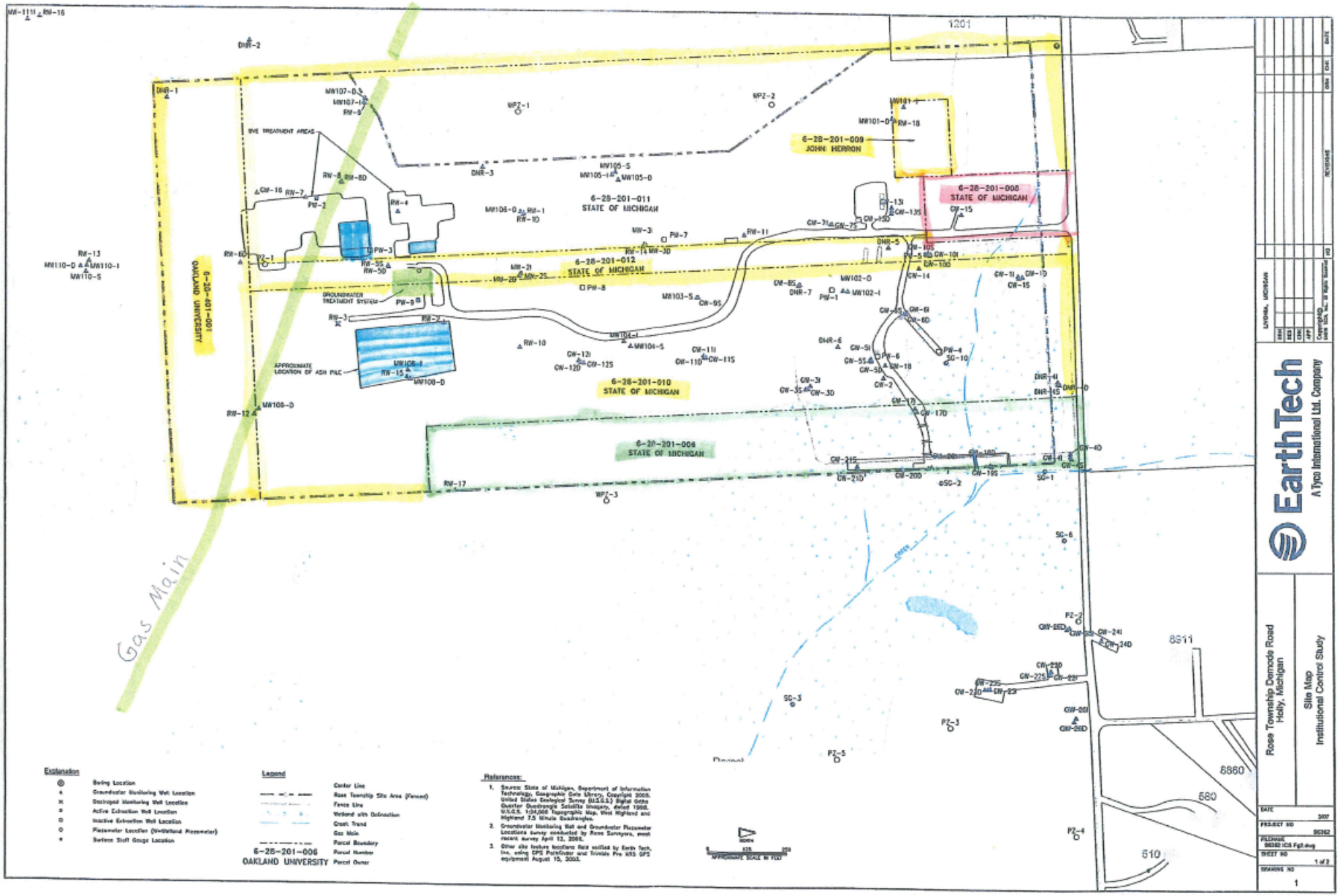
Map Author:
Oakland County Health Division
Department of Health & Human Services
1200 N. Telegraph Road, Bldg 36
Pontiac, MI 48341
http://www.oakgov.com/health

The information provided herewith has been compiled from recorded deeds, plats, tax maps, surveys and other public records. It is not a legally recorded map or survey and is not intended to be used as one. Users should consult the information sources mentioned above when questions arise.

Map created: August 19, 2009


E Davisburg Rd
Davisburg Rd
Demode Rd
Denton Hill Rd
S Fenton Rd
Hickory Ridge Rd
Milford Rd
White Lake
Dawsons Island
23

Demode Rd
Demode-Rd
Chase Lake
Booker-Rd
Salmer-St
Fish-Lake-Rd
Buckhorn-Lake-Rd



6-28-201-009
JOHN HERRON
6-28-201-008
STATE OF MICHIGAN
6-28-201-011
STATE OF MICHIGAN
6-28-201-012
STATE OF MICHIGAN
6-28-201-010
STATE OF MICHIGAN
6-28-201-006
STATE OF MICHIGAN
6-28-401-001
OAKLAND UNIVERSITY
SVE TREATMENT AREAS
GROUNDWATER TREATMENT SYSTEM
APPROXIMATE LOCATION OF ASH PILE
Gas Main
1201
8911
6860
580
510
Explanation
Boring Location
Groundwater Monitoring Well Location
Destroyed Monitoring Well Location
Active Extraction Well Location
Inactive Extraction Well Location
Piezometer Location (Wetland Piezometer)
Surface Staff Gauge Location
Legend
Center Line
Rose Township Site Area (Fenced)
Fence Line
Wetland with Delineation
Creek Trend
Gas Main
Parcel Boundary
6-28-201-006
OAKLAND UNIVERSITY
Parcel Number
Parcel Owner
References:
1. Source: State of Michigan, Department of Information Technology, Geographic Data Library, Copyright 2005. United States Geological Survey (U.S.G.S.) Digital Ortho Quarter Quadrangle Satellite Imagery, dated 1998. U.S.G.S. 1:24,000 Topographic Map, West Highland and Highland 7.5 Minute Quadrangles.
2. Groundwater Monitoring Well and Groundwater Piezometer Locations survey conducted by Rose Surveyors, most recent survey April 12, 2006.
3. Other site feature locations field verified by Earth Tech, Inc. using GPS Pathfinder and Trimble Pro XRS GPS equipment August 15, 2003.
APPROXIMATE SCALE IN FEET
EarthTech
A Tyco International Ltd. Company
Rose Township Demode Road
Holly, Michigan
Site Map
Institutional Control Study
DATE 3/07
PROJECT NO 96362
FILENAME 96362 ICS Fg2.dwg
SHEET NO 1 of 2
DRAWING NO 1

Todd Fracassi, Pepper Hamilton LLP

- Partner, Environment and Energy Practice
- Practice focused on matters of environmental litigation and regulatory affairs, and corporate environmental counseling
- Listed in *Best Lawyers in America* for Environmental matters
- Pepper Hamilton is a multi-practice law firm with 13 offices and more than 500 lawyers nation-wide

Pepper Hamilton LLP
Attorneys at Law

DEQ

Michigan Land Bank Parcels

- Owner of 5 parcels, each with different environmental issues and restrictions
- Soil Restriction Area – fenced area containing incineration ash from PCB thermal destruction, covered with 5-feet clean cover
- Groundwater Treatment System
- Stockpiles 1 and 2 – contaminated soils from excavations

Pepper Hamilton LLP
Attorneys at Law

DEQ

Michigan Land Bank Parcels

- Easement Holder Issues
- Soil and groundwater contamination within easement (large gas transmission pipeline)
- Allowed to undertake easement activities, required notice, compliance with laws, and required USEPA prior approval of activities (except emergencies)

Private Owner Property

- Land locked parcel owned by private party
- Difficulty locating
- Private Party Negotiations
- Purchase v. Compensation for filing

Pepper Hamilton LLP
Attorneys at Law

DEQ

University Parcel

- Portion of larger parcel is part of the site
- Restrictions to “parcel” v. “site”
- Subject to easement issue
- Subject to Oil and Gas Lease - Retained mineral right, required compliance with laws and no new release or exacerbation
- Subject to Board review and approval

Pepper Hamilton LLP
Attorneys at Law

DEQ

Conclusions

- Multiple parties and parcels required collaboration
- Cooperation and responsiveness key
- MDEQ Model DRC provides a framework, but it is flexible to respond to varying conditions and sometimes competing demands/interests

Pepper Hamilton LLP
Attorneys at Law

DEQ

Michigan Department of Environmental Quality

800-662-9278

www.michigan.gov/deq

Sign up for email updates

Follow us on Twitter
@MichiganDEQ

Pepper Hamilton LLP

248-359-7304

www.pepperlaw.com

Find us on Facebook!

Follow us on Twitter
@Pepper_Law

Pepper Hamilton LLP
Attorneys at Law