

## **Response to July 17, 2006 Comments Well Identification Plan Report**

### Proposed PZ Boundary

No response is needed to this item. PLS understands that DEQ is not convinced that PLS' proposed expansion will prove adequate. DEQ has, however, agreed that the proposed expansion as shown on Figure 1 of PLS' report should be adequate in the short term. PLS is installing a monitoring well on Carbeck, which may assist in DEQ's further response on this issue.

### Wagner Road Wells

DEQ mentioned it did not have a well plugging record for the well at 603 S. Wagner. Please be advised that the house at 603 S. Wagner shared a well with the house on 609 S. Wagner, and therefore the plugging record for the 609 S. Wagner well, which you have received, covers the well that was in use for 603 S. Wagner.

The notation on the table on Page 6 of the last report is incorrect. The residences at 679 and 697 South Wagner Road do not share a well.

PLS has written the owners of 685 and 697 S. Wagner Road, explained the Order and PLS's obligations, and offered to pay for the cost of connecting the property, including tap-in fees, improvement charges assessed by the city for water utility lines, and contractor costs for connection. Copies of the correspondences (dated July 31, 2006) are attached. PLS has not, as of this writing, received a response to these offers. On August 16, 2006, PLS contacted the City of Ann Arbor and confirmed that no request for connection had been received as of that date by the City.

DEQ asserted that "if PLS and the property owners are not able to reach an agreement by November 1, 2006 on the terms under which PLS will provide a connection to the city water supply, PLS should seek involvement from the court to resolve this matter." PLS will, through counsel, again notify the two residences in question of their rights under the Order and PLS' offer to connect the homes to municipal water. We will also request a response by November 1, 2006, as DEQ has suggested.

PLS does not concur with the suggestion that it can or should avail itself of judicial intervention to force replacement of the wells if the residents elect against it. These wells are non-detect for 1,4-dioxane. The May 17, 2006 Order requires PLS to provide connection at PLS expense, which PLS has offered to do in the referenced letter. PLS will stand behind this offer if DEQ or some other health authority seeks judicial intervention to force the residents to abandon their uncontaminated well. PLS is not a regulatory authority, however, and cannot act as such to force acceptance of PLS' provision of an offer to connect at PLS expense. We believe this complies with PLS' obligations under the May 17, 2006 Order.

### Survey Results

Details of the survey are provided in a separate color-coded table (Table 1). Table 1 shows whether or not there were interviews and on site inspections and includes notes and observations. All fifty-six locations identified for survey in the last report were surveyed by either in-person interviews or written survey. PLS is awaiting survey responses from eleven locations. One address (2380 Dexter) provided an incomplete survey response. This address is a business, so PLS will attempt an in-person interview.

Ten existing wells have been identified at nine locations. Four of these are commercial or irrigation wells that are discussed at the end of this report. Two are used by PLS for monitoring wells. A third had been used by PLS for monitoring until January 2006, and PLS will abandon that well as it is not part of any current monitoring program. Three unused wells have been identified. One is abandoned but not capped and is located under a deck. Another is in a basement. A third is fitted with a hydrant handle and appears to date back to the 19<sup>th</sup> century. All of these locations are served by municipal water. The proposed disposition of all of the identified wells is summarized in Table 2 and discussed at the end of this report.

PLS has received the hookup information for the properties it identified in Table 4 of the previous report. A copy of the response to the FOIA request is attached. An updated Table 4 showing the hook-up dates is attached. Based on the results of the FOIA request, PLS will survey two additional locations: 1645 Miller and 871 N. Maple Road.

### Task 2

DEQ states that “the map provided to show the locations of the subdivisions (Figure 2) is helpful, but not detailed enough,” and requests the provision of additional graphics that show which existing parcels within the PZ are, or are not, covered by the subdivision plats reviewed.” This request goes beyond the scope of this project. At the outset, the map was identified as a sketch and was intended only to provide a reference for the detailed real estate maps and parcel maps attached to the report as Appendix A. Those maps, not Figure 1 (which PLS prepared and labeled as a “sketch”) were intended to show the pieces of Ann Arbor by subdivision, including individual parcels. The premise, which DEQ accepted, was that houses built on these parcels would have been provided with municipal water at the time of construction because these subdivisions were platted after the public municipal system was created. PLS has never, however, maintained that the converse is true --- that any parcels not within a subdivision need to be surveyed because they would not have municipal water. Instead, PLS also surveyed the legal background and expansion of the water system to determine if there were areas where homes may have legally been constructed without connecting to the municipal system.

As noted in the previous two reports, PLS has already identified and reviewed all parcels that were not included in the subdivisions and that were outside of the boundaries of the Municipal water system for old Ann Arbor, (including the Assessor Plats you identified). Based on the dates of construction provided for the homes and the dates of provision of

municipal water to those areas based on the drawings we have previously reviewed of the municipal system, PLS identified houses to survey because they appeared to be constructed before the municipal supply was available, and/or were "township islands" at the time the homes were constructed. This analysis served in part as the basis for Tables 3 and 4 submitted with the last report. Homes or parcels that are not in subdivisions and that are not on the tables were excluded because they were built within the city limits at a time when municipal water was available and the ordinances suggested or even required connection (and notification if a private supply was in use instead).

*Assessor's Plats no. 4 and No. 12 and Newport Road*

PLS has already reviewed each of these areas in detail. We are enclosing copies of Assessor's Plats nos. 4 and 12. Plat 4 was created and approved by the City of Ann Arbor in 1920. Plat 12 was created and approved by the City of Ann Arbor in 1930. The City's Board of Public Works also approved both plats. Given the age of the plats, the location of the properties relative to existing water lines at that time, and the requirements that the homes have municipal water, these plats are really no different than subdivisions for the purpose of assessing whether or not the homes constructed on the plats had private water supply wells. However, there may have been homes constructed before the properties were platted, so PLS is including an analysis of those plats with this report.

Plat 4 consists of either vacant or recently developed parcels, with the exception of 1921 Jackson. That parcel is developed with a house, which city records show was built in 1914. Since the house has been in the City limits in an area with municipal water for 86 years, we do not believe there is an active well at this house. However, PLS will send a FOIA request to the City to obtain the connection date. If there is a significant gap between the connection date and the date of construction, the location will be surveyed. The Plat map is attached for reference.

Plat 12 consists of fifteen parcels on Pine Ridge and Dexter Avenue. The dates of construction show that most of the homes were built before the plat was created. Given the age of the neighborhood, its proximity to water supplies, and the fact that these houses have been in the City limits for almost eighty years, we believe it unlikely that there are any existing wells. PLS will add the addresses for each of the parcels containing homes constructed before the plat date to its FOIA request to determine date of service. The addresses for which there will be an additional FOIA request are listed in Table 4a. If there is a significant gap between the connection date and the date of construction, the location will be surveyed. The Plat map showing construction dates is attached.

Lower Newport Road is in the PZ, and has been reviewed in detail. PLS reviewed each lot on Newport inside the PZ for dates of construction. All of the houses except 960 Newport were constructed after a municipal water line was laid down Newport (maps show that line in place by 1925). The house at 960 Newport was surveyed. An irrigation well was installed in 2000, and has not been used since the PZ was put into effect. Another well on the property is not in use and appears to date back to the 19th century. Of the 13 other houses on lower Newport, eight were built in the 1950s, three

were built in the 1940s, and two (1005 and 1015 Newport) were built in 1932 and 1936 respectively. By this time Newport already had water service. PLS will add the pre-1940 addresses (See Table 4a) to its FOIA request to determine date of service. If there is a significant gap between the connection date and the date of construction, the location will be surveyed.

*Boundary for Subdivision Analysis*

As indicated in our previous reports, the purple highlighted line shown on the sketch (Figure 2) represents the border of the City of Ann Arbor at approximately the time the municipal system was first constructed and surveyed (1918). Written records from this period and from the history of the Ann Arbor system establish with reasonable reliability that on that date, the homes within the City limits were connected to municipal water. The history of Ann Arbor shows that in the older parts of the City prior to that time, water was not provided by individual wells in any event but instead from a handful of supply wells with local distribution. Based on this review it was PLS's conclusion that it would be reasonable to assume that there are no active wells within the boundaries, and that if any wells exist, they are over 90 years old, few in number and have either been abandoned (in accordance with the histories cited previously) or are now lost.

Comments on Specific Addresses

*2340 Dexter:* PLS will sample the well again in September as requested. As you know, PLS has confirmed with the City (and prior owner) that this property had been scheduled for annexation and therefore the current owner has the obligation to connect to city water anyway, and presumably this was accounted for in the recent sale of the property. However, we have verified that no annexation request has been made, nor are we anticipating that the owner will do so now that DEQ has informed him that PLS is required to pay for the connection. Accordingly, PLS has just sent the owner a letter offering to pay for the connection to City water. Since the timing of the connection depends on the owner initiating the permitting and, in this case, annexation process, we do not know what the schedule will be for connection. We have asked the owner to inform us of the anticipated schedule upon acceptance of the offer.

*3365 Jackson:* No response is required.

*2801 Jackson and 960 Newport:* DEQ stated that it is willing to consider exception requests for the irrigation wells at these addresses. These wells have been scheduled by PLS for sampling in September. PLS anticipates that it will make a request for exception under the Order for both wells or either or both wells will be exempted by proposed stipulation (see below).

*3480 Jackson:* PLS does not agree that the Order requires PLS to abandon a private irrigation well, especially this one, where the owner has a specific use for the well, has refused to have it abandoned, and where the well that has exhibited only very low levels of 1,4-dioxane and appears to be suitable for irrigation. We believe the appropriate way to resolve any ambiguities in the Order is to amend the Order so as to provide an

appropriate exception for irrigation wells located within the PZ. This exception should cover the wells at 2801 Jackson and 960 Newport also. Please let us know by September 30 if DEQ is prepared to enter into a stipulated order to accomplish this. Otherwise, PLS will resolve this matter by filing an appropriate motion with the Court.

*Additional locations identified in survey:* As noted earlier, the survey identified several wells in addition to those discussed individually in this section. Table 1 summarizes the proposed disposition of the wells identified in the survey and those discussed in this section of the report.

PLS is proposing no further action for identified wells that are not in use and that are located in inaccessible areas.

### **List of Tables**

Table 1	Summary of Well Survey Results (color)
Table 2	Proposed Action for wells identified in PZ
Table 3	List of Properties Surveyed (revised)
Table 4	List of Properties Reviewed via FOIA (revised)
Table 4a	List of Addresses for Second FOIA request

### **List of Attachments**

- Correspondences regarding 685 and 697 S. Wagner
- July 18, 2006 Response of City of Ann Arbor to FOIA Request
- Assessor's Plat No. 4
- Assessor's Plat No. 12 (annotated with reported construction dates)
- Tax map of south portion of Newport Road inside PZ (showing parcel addresses and including annotations with reported construction dates)

Table 1: Well Surveys

Address	Street	Occupant interviewed in person and/or inspection of site	Written survey left at site with SASE** on initial visit	Response?	Length of ownership (yrs)	Yr Built?	Connected to City Water	Occupant has no knowledge of wells and/or believes all wells abandoned	Wells remaining	Notes
544	Allison	X			38	1945	yes		1	PLS monitoring well only - no pump
580	Allison		X			1940*	yes			Survey mailed to property 08/16/06; formerly sampled by PLS; this residence now connected to City services
616	Allison	X	X		12 to 14	1929	yes	X		No well in use. The well in basement was capped prior to present owner.
1522	Arborview	X			28	1935	yes	X		connected to City services when built; no knowledge of any wells on property
2101	Arborview		X	X		1953	yes	X		House was connected to city services when built
2310	Dexter	X			22	1966	yes	X		
2320	Dexter	X			"	1945*	yes		1	abandoned well but not capped - located under deck
2324	Dexter	X			"	1979*	yes	X		Restaurant
2380	Dexter		X	X						Only information provided on returned survey is that this is occupied by a business - The Vacuum Store
2550	Dexter		X	X	6	~ late 1800's	yes	X		
2601	Dexter	X	X		7	~1940	yes	X	1	PLS monitoring well located on this property
2623	Dexter		X	X	19	~1934	yes	X		
3401	Ferry	X	X		<1	~1930	yes		1	Well in basement - owner does not know if the well was abandoned but house is connected to City services
3409	Ferry	X	X		1	1947	yes	X		Well in basement properly abandoned
3432	Ferry	X			2	~2004	yes	X		House connected to municipal services when built
3445	Ferry		X			1925*				Survey mailed to property 08/16/06
3459	Ferry		X	X	5	~1955	yes		1	PLS monitoring well on property - no pump - padlocked
2801	Jackson	X							1	Bethlehem Cemetery - 6" irrigation well - above ground in front of office
3050	Jackson					1962*			1	Weber's Inn; cooling & irrigation well taken off-line 07-2006
3395	Jackson	X				1952*	yes	X		physical inspection - no wells visible; renter has been there ~2 years and does not know of any wells on property
3480	Jackson	X				1969*	yes		1	Varsity Ford; 6" irrigation well - used as needed through season
755	N. Maple		X			1989*				Survey mailed to property 08/16/06
960	Newport	X			13	1860's	yes		2	Private irrigation well installed 7/21/2000; has not been used since PZ was established; add'l older well w/hydrant handle-original well for property
2000	Penncraft	X			20	1941*	yes			Community well abandoned in center of court
2003	Penncraft		X			1941*				Community well abandoned in center of court; survey mailed to property 08/17/06
2005	Penncraft		X	X	11	1953*	yes	X		Community well abandoned in center of court; survey mailed to property 08/17/06
2010	Penncraft	X			64	1942	yes	X		Community well abandoned in center of court
2020	Penncraft	X			40	1941*	yes	X		Community well abandoned in center of court
2021	Penncraft	X			22	1941*	yes			Community well abandoned in center of court
3404	Porter	X			< 1	1940*		X		

Table 1: Well Surveys

Address	Street	Occupant interviewed in person and/or inspection of site	Written survey left at site with SASE** on initial visit	Response?	Length of ownership (yrs)	Yr Built?	Connected to City Water	Occupant has no knowledge of wells and/or believes all wells abandoned	Wells remaining	Notes
3415	Porter	X				1950*				occupant declined to answer questions
281	Rhea		X	X	tenant 1 yr	1945*		X		Survey mailed to property 08/16/06
205	S. Wagner		X			1929*				Survey mailed to property 08/17/06
249	S. Wagner		X	X	8	1926	yes			City water; septic system; owner unsure if wells were properly abandoned
267	S. Wagner		X			1925*				Survey mailed to property 08/16/06
343	S. Wagner		X			N/A				VACANT LOT
351	S. Wagner		X	X	15	~1925	yes	X		Former owner told current owner well was "capped"; never used by current owner
359	S. Wagner		X			1925*				Survey mailed to property 08/16/06
2605	Valley		X			1941*				Survey mailed to property 08/16/06
2606	Valley	X	X		5	1928	yes	X		Owner declined to provide name
2615	Valley	X	X		5 to 6	1928	yes	X		
2631	Valley	X			28	1970	yes	X		
2645	Valley	X			36	1970	yes	X		
2661	Valley	X	X		12	1940	yes	X		
2667	Valley		X			1969*				Survey mailed to property 08/16/06; house appears to be empty and for sale; foreclosure noted in Assessor file
2675	Valley	X			2	1968	yes	X		
2681	Valley		X	X		1969*	yes	X		
2689	Valley	X	X	X	19	1969*	yes	X		
2695	Valley					1969*				Occupant refused survey
2721	Valley		X			1928*				Survey mailed to property 08/16/06
2731	Valley	X			29	1973	yes	X		
2741	Valley		X	X	3	1978	yes	X		Survey mailed to property 08/16/06
2825	Valley		X	X	55	1951	yes			Connected to municipal water between 1970-1980; owner unsure if well was properly abandoned
2835	Valley		X	X	26	1980	yes	X		
2915	Valley	X	X		26	1950	yes			well in basement not in use; resident unsure if well was properly abandoned
211	Westover		X	X	6	1920's				Survey mailed to property 08/16/06 - Owner unsure if well was properly abandoned

\*Year of construction obtained from City of Ann Arbor website

\*\*SASE = self-addressed, stamped envelope

	awaiting survey response
	active well
	attempt in-person survey



Table 2  
Proposed Action  
Identified Wells in PZ

Location	Proposed Action
544 Allison	PLS to continue to use this well for monitoring program
2320 Dexter	No further action. Well is not in use and is under a structure.
2601 Dexter	PLS to continue to use this well for monitoring program.
3459 Ferry	PLS to abandon this well.
2801 Jackson (Cemetery)	PLS to sample and request exception or amendment to Order
3050 Jackson (Weber's)	Use of well has been discontinued. PLS working with owner to replace well functions. Status of well TBD.
3480 Jackson (Varsity)	PLS to sample and request amendment to Order
2340 Dexter	PLS to offer to connect business to city water supply and to abandon existing water supply well.
960 Newport	Irrigation well to be excepted or subject to amendment to Order. No further action is needed with respect to old, ornamental well.
3401 Ferry	No further action. Well is not in use and is in basement.
679 S. Wagner	PLS to send second notice and deadline for acting on offer to connect to city water and abandon current supply well.
697 S. Wagner	PLS to send second notice and deadline for acting on offer to connect to city water and abandon current supply well.

Table 3 (revised)  
 List of Properties Surveyed

Address	Street	Survey	Active Well	Notes
544	Allison	Y	Y	PLS monitoring well only, no pump
580	Allison	Y	N	Awaiting survey response; residence connected to city water, PLS refused access
616	Allison	Y	N	No well in use. Well in basement was capped prior to present owner.
1522	Arborview	Y	N	Connected to city water when built
2101	Arborview	Y	N	Connected to city water when built
2310	Dexter	Y	N	
2320	Dexter	Y	Y	Abandoned well under deck
2324	Dexter	Y	N	
2380	Dexter	Y	--	Incomplete survey returned. (Vacuum store). PLS to attempt in-person interview.
2550	Dexter	Y	N	
2601	Dexter	Y	Y	PLS monitoring well only (quarterly)
2623	Dexter	Y	N	
3401	Ferry	Y	Y	Owner says there is a well in the basement, but house is connected to city water. Unknown if well is abandoned.
3409	Ferry	Y	N	Well in basement properly abandoned
3432	Ferry	Y	N	Connected to city water when built
3445	Ferry	Y	---	Awaiting survey response
3459	Ferry	Y	Y	PLS monitoring well only
2801	Jackson	Y	Y	Irrigation well in front of office; awaiting survey response
3050	Jackson	Y	Y	Weber's Inn : Cooling/irrigation well. Disposition as per agreement with owner.
3395	Jackson	Y	N	
3480	Jackson	Y	Y	Varsity Ford; 6" irrigation well, used as needed.
755	N. Maple	Y	--	Awaiting survey response
960	Newport	Y	Y	Private irrigation well installed in 2000, use discontinued; older hydrant handle well on property
2000	Penncraft	Y	N	Awaiting survey response; no well present based on other responses
2003	Penncraft	Y	N	Community well abandoned in center of court
2005	Penncraft	Y	N	Community well abandoned in center of court
2010	Penncraft	Y	N	Community well abandoned in center of court
2020	Penncraft	Y	N	Community well abandoned in center of court

2021	Penncraft	Y	N	Community well abandoned in center of court
3404	Porter	Y	N	
3415	Porter	Y	N	
281	Rhea	Y	N	
205	S. Wagner	Y	--	Awaiting survey response
249	S. Wagner	Y	N	Owner unsure if old well exists or if it does whether it was abandoned.
267	S. Wagner	Y	--	Awaiting survey response
343	S. Wagner	Y	N	Vacant lot
351	S. Wagner	Y	N	Former owner says well was capped. Location unknown.
359	S. Wagner	Y	--	Awaiting survey response
2605	Valley	Y	--	Awaiting survey response
2606	Valley	Y	N	
2615	Valley	Y	N	
2631	Valley	Y	N	
2645	Valley	Y	N	
2661	Valley	Y	N	
2667	Valley	Y	--	Awaiting survey response; house appears vacant
2675	Valley	Y	N	
2681	Valley	Y	N	
2689	Valley	Y	N	
2695	Valley	Y	N	
2721	Valley	Y	--	Awaiting survey response
2731	Valley	Y	N	
2741	Valley	Y	N	
2825	Valley	Y	N	
2835	Valley	Y	N	
2915	Valley	Y	N	
211	Westover	Y	N	Owner unsure if old well properly abandoned.

Table 4 (revised)  
Combined List of Addresses  
For FOIA Request and Subsequent Survey

Address	Street	Year Built	Tap Date
2101	Arborview	1952	3/6/52
2020	Dexter	1946	4/8/47
2106	Dexter	1937	1926
2200	Dexter	1950	1926
402	Glendale	1953	3/22/52
404	Glendale	1950	7/21/51
1645	Miller	1950	10/10/79
871	N. Maple	1950	2/21/02

Shaded dates indicate that house may have had private water supply before hookup to city water. These addresses will be surveyed.

Table 4a  
List of Addresses  
Second FOIA Request

Address	Street	Year Built	Tap Date
1921	Jackson	1914	
1706	Dexter	1926	
211	Pine Ridge	1911	
215	Pine Ridge	1919	
301	Pine Ridge	1922	
305	Pine Ridge	1925	
311	Pine Ridge	1924	
312	Pine Ridge	1928	
304	Pine Ridge	1920	
300	Pine Ridge	1926	
218	Pine Ridge	1925	
216	Pine Ridge	1929	
1616	Dexter	1929	
1005	Newport	1932	
1015	Newport	1936	



Community Services Area

## CITY OF ANN ARBOR, MICHIGAN

100 North Fifth Avenue, P.O. Box 8647, Ann Arbor, Michigan 48107-8647

<http://www.ci.ann-arbor.mi.us>

Administration (734) 994-2704

City Clerk Services (734) 994-2725

Community Development Services (734) 622-9025

Communications Office (734) 996-3020

Parks & Recreation Services (734) 994-2780

Planning & Development Services (734) 994-2674

July 18, 2006

Alan D. Wasserman  
Williams Acosta, PLLC  
660 Woodward Avenue, Suite 2430  
Detroit, Michigan 48226-3535

Subject: Freedom of Information Act Request dated July 6, 2006  
06-110 Wasserman

Dear Mr. Wasserman:

I am responding to your request under the Michigan Freedom of Information Act, dated July 6, 2006 and received July 17, 2006. Your request for the date of water tap-in for various properties is granted, as follows:

2101 Arborview – 3/6/52  
2020 Dexter – 4/8/47  
2106 Dexter – 1926  
2200 Dexter – 1926  
402 Glendale – 3/22/52  
404 Glendale – 7/2/51  
1645 Miller – 10/10/79  
871 North Maple – 2/21/02

The City does not warrant or guarantee the accuracy of the information provided. Rather, it provides the documents only to comply in good faith with the Michigan Freedom of Information Act, and not for any other purpose.

If you have any questions concerning this response, please contact Laurie Foondle, City FOIA Coordinator, (734)994-4890.

Sincerely,

Jacqueline Beaudry  
City Clerk





# Newport Road

