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October 19, 2020
File No. 16.0062961.30

Ms. Karen Vorce, Project Manager
Grand Rapids District Office
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
350 Ottawa Avenue NW, Unit 10
Grand Rapids, MI 49503
vorcek@michigan.gov

Re: Wolverine World Wide, Inc. Consent Decree Court Case No. 1:18-cv-00039
Notice Under Section 18.5(c) of the Consent Decree

Dear Ms. Vorce:

In response to EGLE's October 9, 2020, Notice of Approval with Conditions of the Area 6 RAP (the "**Conditions**"), Rose & Westra, a Division of GZA GeoEnvironmental, Inc. (R&W/GZA) submits this notice on behalf of Wolverine World Wide, Inc. (Wolverine) under section 18.5(c) of the Wolverine Consent Decree (W.D. Mich. Case No. 1:18-cv-39).

• Section 2.01 House Street Disposal Site:

- *Reference to possible other PFAS sources in Area 5 does not remove obligations that Wolverine has under the Consent Decree to define the vertical and horizontal extent of PFAS Compounds contamination as required by Part 201; and confirm and monitor the location and stability of the PFAS Compounds plume(s) once the plume(s) are defined.*
- *The below comments were made during the public comment period for this Response Activity Plan rejecting the applicability of the references noted in this paragraph:*

"While Schaidler et al. (2016) found PFAS compounds in a small sample of 20 shallow wells in Cape Cod, the highest concentration reported was 7 ng/l and a variety of other contaminants such as nitrate, boron, pharmaceuticals/personal care products cooccurred. ITRC (2020) discusses rain deposition which would be uniform across a broad area and not produce the plumes represented by R&W/GZA/Wolverine. The EGLE (2019a) reference also does not apply to this situation because the Robinson Township plume is in shallow groundwater and related to Fire Department usage."

- *If this paragraph is kept in Section 2.01, it should be noted in the text that the presence of potential other PFAS sources does not change the obligations Wolverine has under the Consent Decree.*

Objection: This statement mischaracterizes the Consent Decree. Nothing in the Area 6 RAP, including the reference to potential other PFAS sources, states, implies, insinuates, or



could reasonably be read or interpreted to change or diminish Wolverine’s work or obligations under the CD. Wolverine’s obligations are clearly set forth in the CD, the relevant provision of which provides in full as follows:

In in Areas 5, 6, 11, and 12 (depicted in Appendix O—Map of Groundwater Investigation Areas 5, 6, 11, and 12) of the Filter Areas, Defendant will install and sample groundwater monitoring wells in accordance with Appendix P— Statement of Work for Filter Areas 5, 6, 11, and 12 Groundwater Monitoring and the Response Activity Plan in Paragraph 7.4(a) to do each of the following:

- (A) Define the vertical and horizontal extent of PFAS Compounds contamination as required by Part 201; and
- (B) confirm and monitor the location and stability of the PFAS Compounds plume(s) once the plume(s) are defined.

- **Section 2.06 PFAS Distribution in Groundwater:**

- *The presence of other potential PFAS sources in Area 6 does not remove obligations that Wolverine has under the Consent Decree to define the vertical and horizontal extent of PFAS Compounds contamination as required by Part 201; and confirm and monitor the location and stability of the PFAS Compounds plume(s) once the plume(s) are defined.*

Objection: See objection to Section 2.01.

- **Section 3.0 Proposed Statement of Work:**

- *Per the requirements of the Consent Decree, Wolverine must define the vertical and horizontal extent of PFAS Compounds contamination as required by Part 201; and confirm and monitor the location and stability of the PFAS Compounds plume(s) once the plume(s) are defined within Area 5. It is anticipated that after this first round of drilling, more monitoring wells will be needed to meet that objective.*

Objection: See objection to Section 2.01. It is premature to determine what additional work, if any, may be needed in the future.

- **Section 5.0 Sampling and Analytical Procedures:**

- *Under the third bullet, mention that “Following the full year of quarterly sampling of the well network, R&W/GZA, in consultation with EGLE, will evaluate the data and determine appropriate next steps for future sampling schedule.”*

Objection: This statement does not correctly depict the Statement of Work included in the CD for Area 6. The Consent Decree provides as follows: “Upon completion of the Response Activities in each Response Activity Plan, Defendant will evaluate the data gathered in consultation with MDEQ and determine appropriate next steps.”

- **Section 7.0 Investigation Derived Waste:**

- *Per the Consent Decree Statement of Work this section needs to be updated to read: “Soil cuttings and development/purge water from the well installations and sampling will be containerized and*



transported to the former Wolverine House Street property for staging/storage until off-site treatment/disposal or other approved handling can be arranged.”

Objection: This statement does not correctly depict the agreed procedure between Wolverine and EGLE regarding IDW going forward and established in the recently submitted final GSI RAP. The procedure established and the language used in the GSI RAP will also be used for the Area 6 RAP.

We look forward to resolving these technical objections to the Conditions as contemplated under Section 18 of the Consent Decree. At your earliest convenience, please let us know your availability for a meeting to discuss the Conditions and our objections. If you have any questions, please contact us. Thank you.

Very truly yours,

Rose & Westra, a Division of GZA GeoEnvironmental, Inc.

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