



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 9, 2020

VIA EMAIL AND
CERTIFIED MAIL – 7017 2620 0000 2474 6640
RETURN RECEIPT REQUESTED

Mr. Casey Ries
Airport Engineering & Planning Director
Gerald R. Ford International Airport
5500 44th Street, SE
Grand Rapids, Michigan 49512

Dear Mr. Ries:

SUBJECT: Compliance Communication Regarding the Releases at
Gerald R. Ford International Airport (GFIA),
5500 44th Street, SE, Kent County, Michigan;
Facility ID No.: 41001285

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has information that environmental contamination on the Gerald R. Ford International Airport property at 5500 44th Street, SE (Property) has migrated off-site contaminating nearby residential drinking water wells for which Gerald R. Ford International Airport Authority (GFIAA) is liable. Therefore, GFIAA has obligations under Michigan's environmental cleanup law, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 201).

Past use of Aqueous Film Forming Foam (AFFF) formulations containing per- and polyfluoroalkyl substances (PFAS) occurred on the Property at the former firefighting training area (FFTA), a paved area near "Ramp 5," and apron area near the Aircraft Rescue Fire Fighting (ARFF) building, Runway 26L and Taxiway D. GFIAA's investigation of the FFTA identified Perfluorooctane sulfonate (PFOS) and Perfluorooctanoic acid (PFOA) in shallow groundwater at 870 parts per trillion (ppt) and 103 ppt, respectively. GFIAA's investigation of FFTA identified PFOS at 38 ppt and PFOA at 54 ppt in deep groundwater. GFIAA's investigation of surficial soils identified PFOS at 1,400 micrograms per kilogram (ug/kg), 0.639 ug/kg and 4,100 ug/kg at the FFTA, Ramp 5 and ARFF, respectively. PFOA and PFOS are hazardous substances under Part 201. The concentrations of PFOS and PFOA in shallow and deep groundwater exceed the criteria for unrestricted residential use, and the concentrations of PFOS in surficial soils exceed the groundwater-surface water interface protection criteria of 0.24 ug/kg. The presence of PFOS and PFOA in surficial soils and deep and shallow groundwater indicate that the Property is a source of environmental contamination. An area where hazardous substances exceed the criteria for unrestricted residential use is known as a Facility as defined in Part 201.

EGLE promulgated state drinking water standards for the following per- and polyfluoroalkyl substances (PFAS) that are effective August 3, 2020. State drinking water standards are also

commonly referenced as maximum contaminant levels and developed under section 5 of the Safe Drinking Water Act, 1976 PA 299 [MCL 325.1005].

As a result, the state drinking water standards of 8 parts per trillion (ppt) and 16 ppt respectively for PFOA and PFOS became the Part 201 residential and nonresidential drinking water criteria of 70 ppt for the combined concentrations of PFOA and PFOS.

EGLE's investigation of off-site residential drinking water wells downgradient of shallow groundwater and deep groundwater flow from the Facility has identified 39 locations where concentrations of PFOA and/or PFOS exceed unrestricted residential drinking water criteria. The maximum concentration for PFOA is 44.1 ppt and for PFOS is 51.9 ppt in a residential drinking water well.

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 GFIAA is liable under Section 20126(1)(a) of Part 201. GFIAA and its predecessor(s) have owned or operated on the Property since the late 1950s/early 1960s and have released AFFF containing PFAS to the environment at multiple locations on the Property during airport firefighting training, emergency response equipment testing and incidents requiring emergency response.

GFIAA is a person who is liable within the meaning of Section 20126(1) of Part 201. GFIAA is an operator of the Facility. The hazardous substances present in soils and groundwater at the Facility are due to the release of AFFF at various locations and periods since the 1960s. Therefore, GFIAA and its predecessor(s) are considered an owner or operator of the Facility at the time of the release of hazardous substances at the Facility, and responsible for an activity causing the release of hazardous substances into the environment.

As a liable party under Part 201, GFIAA is responsible for:

- (1) Response activities to address the environmental contamination at the Facility as provided in Section 20114 of Part 201,
- (2) All costs lawfully incurred by EGLE for addressing the environmental contamination or undertaking response activities,
- (3) Any other costs for response activity reasonably incurred by any other person, and
- (4) Damages for the value of injury to, destruction of, or loss of natural resources.

GFIAA has an affirmative obligation to comply with Section 20114 of Part 201, which lists the steps required of a liable party to address environmental contamination. These steps include, but are not limited to:

- Immediately taking measures to contain or remove the source of the environmental contamination,
- Undertake interim response activities to provide a temporary source of water to residences whose drinking water wells have been unacceptably impacted by PFAS,
- Notifying EGLE and affected neighbors if contamination has migrated off the Property, and
- Defining the nature and extent of the release and undertaking response activities to achieve Part 201 cleanup criteria.

Since environmental contamination is present on the Property, GFIAA also needs 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, but are not limited to:

- Preventing exacerbation of the existing contamination,
- Preventing unacceptable human exposure and mitigating fire and explosion hazards to allow for the intended use of the 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 is sending this compliance communication requesting the following actions from GFIAA:

- Within 14 days, provide to EGLE a Response Activity Plan for how GFIAA will temporarily mitigate the risks and exposures to offsite residential drinking water users. Include an implementation schedule that commences within 30 days after EGLE approval of the workplan.
- Within 30 days, provide Notices of Migration to all property owners downgradient of the FFTA investigation area per the requirements of Section 324.20114(1)(b)(ii).
- Within 60 days, provide EGLE a Response Activity Plan that evaluates and identifies a long-term remedy to permanently mitigate the risks for off-site residential drinking water users.
- Within 60 days, provide EGLE a Response Activity Plan to continue on-going investigations to define the nature and extent of PFAS contamination on-site and off-site attributable to AFFF releases at the GFIA.

As before, all correspondence relating to this request should be sent to the following address:

Aaron Assmann, Project Manager
Grand Rapids District Office
Remediation and Redevelopment Division
Department of Environment, Great Lakes, and Energy
350 Ottawa Avenue, NW, Unit 10
Grand Rapids, Michigan 49503-2341
Telephone: 616-430-5275; Email: AssmannA@michigan.gov

Be advised that failure to voluntarily comply with the Part 201 obligations may result in EGLE asserting its authority under Section 20114(1)(h) or other action to compel compliance. If EGLE issues a Section 20114(h) demand, a person no longer has the option to self-implement a cleanup, and GFIAA will be required to perform response activities in accordance with EGLE-approved response activity plans and schedules.

EGLE also has the authority to expend public funds to conduct response activities at facilities and recover those costs from the persons liable for the Facility. If GFIAA fails to implement response activities as required by Part 201, EGLE may perform response activities at the Facility and seek reimbursement for the costs. Failure to perform the response activities required by Part 201 may ultimately lead EGLE to take legal action to compel compliance with

Part 201, including seeking civil fines. To avoid these consequences, EGLE requests that GFIAA continue to fulfill its Part 201 obligations.

The explanations of Part 201 in this letter should not be considered a complete listing of GFIAA's legal obligations. The Part 201 statute and rules can be found in its entirety at the EGLE website: www.michigan.gov/egle/, by clicking on 'Land,' 'Remediation,' then 'Site Investigation and Remediation.'

The information used to prepare this letter is located at EGLE's Grand Rapids District Office, 350 Ottawa Avenue, NW, Unit 10, Grand Rapids, Michigan 49503-2341. If GFIAA wishes to review this information or if you have questions regarding this letter, please contact the Project Manager, Aaron Assmann, at 616-430-5275 or via email at AssmannA@michigan.gov; or you may contact me at the telephone number listed below.

Sincerely,



Abigail Hendershott
District Supervisor
Grand Rapids District Office
Remediation and Redevelopment Division
616-888-0528
HendershottA@michigan.gov

cc: Mr. David O'Donnell, EGLE
Mr. Darren Bowling, EGLE
Mr. Dan Yordanich, EGLE
Ms. Nancy Johnson, EGLE
Mr. Aaron Assmann, EGLE