



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

May 1, 2020

VIA EMAIL AND
CERTIFIED MAIL – 7017 2620 0000 2474 6503
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, 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 is present on the Gerald R. Ford International Airport property at 5500 44th Street, SE (Property) 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.

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 surficial soils identified PFOS at 1,400 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 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 groundwater indicate that the Property is the 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.

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 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.

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,
- 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:

- 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 that GFIAA continue to undertake response activities to comply with their obligations under Part 201. 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. Dan Rockafellow, EGLE
Mr. Darren Bowling, EGLE
Mr. Dan Yordanich, EGLE
Ms. Nancy Johnson, EGLE
Mr. Aaron Assmann, EGLE