



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

September 19, 2019

VIA E-MAIL AND CERTIFIED MAIL – 7017 2620 0000 2474 4820
RETURN RECEIPT REQUESTED

Mr. Michael Berg
Boulder Creek Development Company LLC
1730 3 Mile Road, NE
Grand Rapids, Michigan 49505

Dear Mr. Berg:

SUBJECT: Residential Well Sampling, Northeast Gravel Company Site (formerly known as 4300 Cannonsburg Road);
3769 Cannonsburg Road, NE, Kent County, Michigan;
Facility ID No.: 41000048

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) is in receipt of the Response Activity Plan (Plan) dated August 29, 2019, submitted on behalf of Boulder Creek Development Company LLC (BCDC) for the Northeast Gravel Site. A comprehensive review of the entire submittal will be completed by October 2019, but EGLE will address the time critical matter of Section 4.3 pertaining to residential drinking water sampling in this letter.

In Section 4.3 of the Plan, BCDC proposes a progressive sequence for residential well sampling “because it is unknown if PFAS-impacted groundwater might be migrating off-site from the golf course in any specific direction.” As described in EGLE’s July 24, 2019, letter, BCDC was instructed to sample all residential wells in the potentially affected areas, which could be impacted from BCDC’s irrigation practices of using PFAS-impacted water to irrigate the golf course north of 7 Mile Road. The Plan as submitted only proposed to sample 13 of the 63 parcels that were recommended to be sampled in the June 2019 EGLE Geologic Review Report. No scientific justification was provided by BCDC as to why those 13 parcels were selected for sampling and others not included.

There is the potential that not all 63 parcels have a drinking water well that would need to be sampled, for example, if there is currently no structure present or if the parcel is connected to municipal water. But the existence of circumstances that preclude the need for sampling residential drinking water wells must be verified by BCDC during sampling activities. It is not acceptable to limit the parcels that will be sampled prior to documenting the existence of circumstances that would preclude the need to sample residential drinking water wells on specific parcels. Due to the potential risks to public health, EGLE is requiring that all of the parcels be included in BCDC’s plan to sample residential wells in the potentially affected areas, that BCDC include a form or template on which justification is provided for any parcel on which a residential drinking water well was not sampled, and that the plan be implemented as soon as possible.

Please be advised that if BCDC is not willing to sample all of the residential wells as part of this Plan, EGLE will authorize our contractor to undertake the sampling. See the attached map which identifies the parcels that should be sampled if a drinking water well is present.

Part 201 of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), authorizes EGLE to use public funds to undertake actions to protect the public health, safety, and welfare, and the environment. Except as provided by Section 20101 and the liability provisions of Section 20126 of the NREPA, which provide for certain exceptions, exemptions, and defenses to liability, a person who is liable under Section 20126 of the NREPA is jointly and severally liable for all costs, including any associated interest, that are lawfully incurred by the state relating to the selection and implementation of response activity under Part 201, including the response activities specified by Sections 20107a, 20114, 20118, 20120a, 20120b, 20120c, 20120d and 20120e of Part 201 of the NREPA and Part 10 of the Part 201 Administrative Rules. Pursuant to state, federal, or common law, including Sections 20126a and 3115(2) of the NREPA, MCL 324.20126a and 324.3115(2), and the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, as amended (CERCLA), 42 U.S.C. 9607(a), a liable person is subject to cost recovery actions by the state for all response activity costs incurred by the state at a facility. EGLE will seek to recover its response activity costs associated with the performance of the response activities.

This letter serves as formal notice that EGLE has a contract in place with a subcontractor and is prepared to proceed with the requested residential well sampling if BCDC does not commit to the necessary sampling within three days of receipt of this letter.

Within three days of receipt of this letter, please send your commitment by e-mail of BCDC's intent to sample all of the drinking water wells located within the "areas recommended for drinking water well sampling" identified on the enclosed figure, along with a proposed schedule of when sampling notifications will begin. If BCDC does not agree to conduct this sampling, EGLE will move forward with plans to sample the remaining wells. If you have questions regarding this letter, please contact Karen Vorce, Project Manager, at 616-439-8008 or via email at VorceK@michigan.gov; or you may contact me at the telephone number listed below. EGLE looks forward to your cooperation in resolving this matter.

Sincerely,



Abigail Hendershott
District Supervisor
Grand Rapids District Office
Remediation and Redevelopment Division
616-888-0528

Enclosure

cc: Mr. Gary Schenk, Schenk Boncher & Rypma
Mr. Cameron Van Wyngarden, Plainfield Charter Township
Ms. Polly Synk, Department of Attorney General
Mr. Steve Sliver, MPART Executive Director
Mr. Dan Rockafellow, EGLE
Mr. David O'Donnell, EGLE
Ms. Karen Vorce, EGLE
Ms. Vicki Katko, EGLE



Additional Areas Recommended for Drinking Water Well Sampling if Drinking Water Well is Present

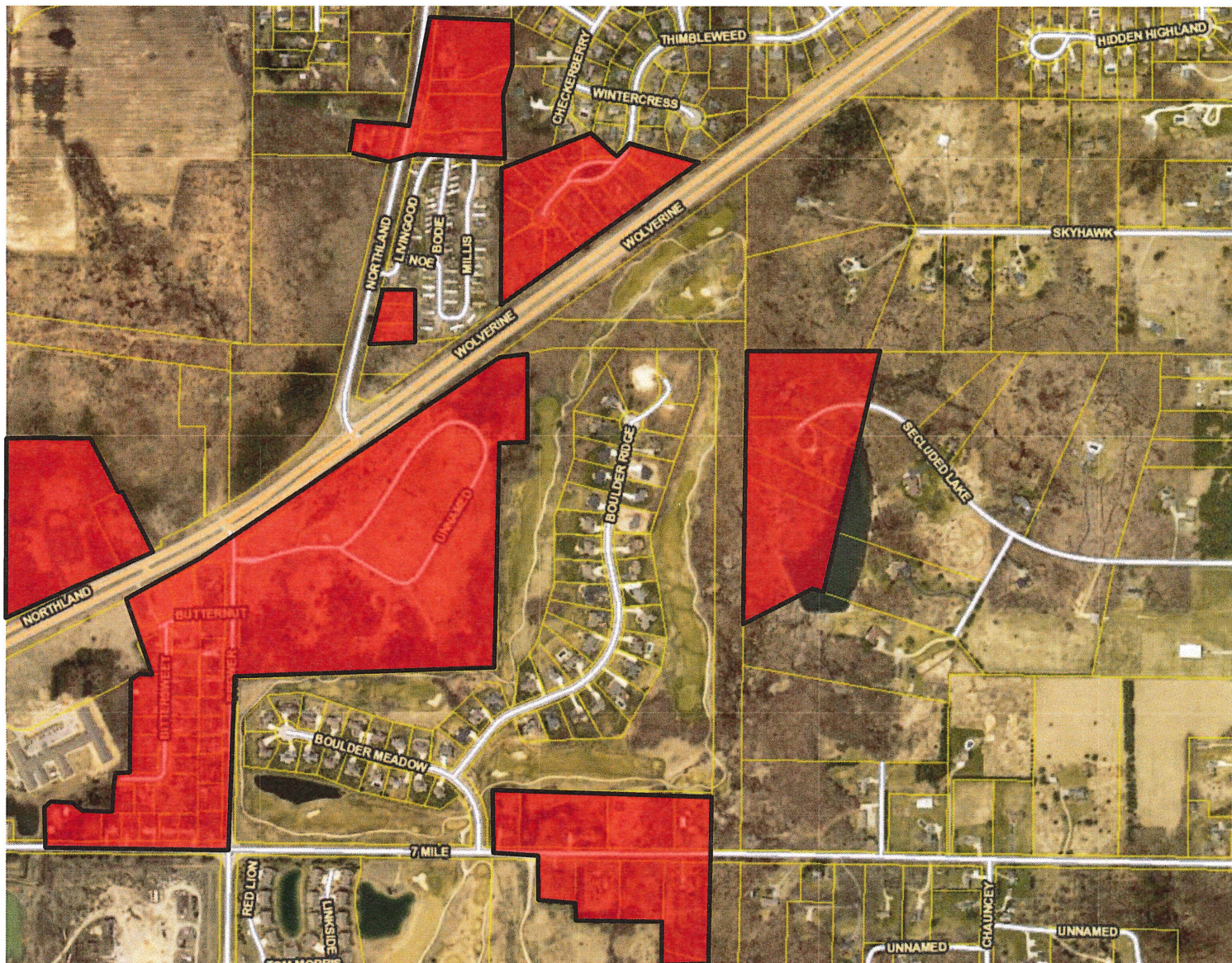


Figure 8
Additional Areas Recommended for Drinking Water Well Sampling
Plainfield Township MI