



Warner Norcross + Judd<sup>LLP</sup>

March 8, 2019

Ms. Abigail Hendershott  
District Supervisor – Remediation and Redevelopment Division  
Michigan Department of Environmental Quality  
State Office Building  
350 Ottawa Avenue NW, Unit 10  
Grand Rapids, MI 49503-2341

Re: **Response to February 28, 2019 Letter**

Dear Abby:

I am writing on behalf of Wolverine World Wide, Inc. (Wolverine) in response to your letter dated February 28, 2019. In this letter, the DEQ proposes to conduct additional remedial investigative (RI) activities in the House Street and Wolven/Jewell areas, consisting of drilling additional monitoring wells for which it intends to seek reimbursement from Wolverine, and asks Wolverine to indicate by March 8, 2019, whether it would like to undertake the DEQ's proposed RI activities.

#### **I. Wolverine's Proactive and Extensive Actions**

RI activities like those proposed by DEQ should be based on and take into account work that has already been completed or is planned, but the February 28 letter does not describe, nor do the DEQ's proposed RI activities appear to take into account, the significant water solutions Wolverine has already provided for homeowners in these areas, the extensive RI activities that Wolverine has already conducted to date, or the additional RI activities Wolverine has scheduled in the coming months.

First, Wolverine has taken proactive, aggressive action to ensure all affected residents have access to safe drinking water. This includes initially sampling over 1,500 residential wells, resampling over 700 residential wells, offering bottled water to all homeowners, and installing, monitoring, and maintaining over 500 whole house filters and over 200 point-of-use filters.

Second, Wolverine has already undertaken extensive RI activities at the three areas identified in the letter. These activities have been conducted in coordination and cooperation with the DEQ. The volume of RI work and residential well sampling that has been completed by Wolverine in the past 15 months is staggering. At House Street, Wolverine has installed over 50 monitoring wells, conducted nearly 700 soil borings, and has collected 950 soil

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samples, 201 groundwater samples and 87 soil gas samples. At Wolven/Jewell, Wolverine has installed over 25 monitoring wells, conducted 29 soil borings, and collected 58 soil samples and 46 groundwater samples.

Finally, as the MDEQ is aware, Wolverine is conducting additional RI work at Wolven/Jewell, House Street and the Tannery in upcoming months. Attached to this letter are maps of both the House Street and Wolven/Jewell areas that depict proposed monitoring wells that will be installed this year, including 15 or more wells in each of these study areas.

Throughout these activities, Wolverine and GZA, its environmental consultants, have held weekly (and often more frequent) meetings with the DEQ to discuss Wolverine's progress and ongoing work. We also raise any significant issues obtaining access from property owners, and the DEQ has assisted Wolverine with obtaining access in some instances, which we appreciate. We would hope that this approach to conducting RI activities will continue, that Wolverine and the DEQ will be fully transparent about proposed RI activities, and that the DEQ will continue to assist on obtaining access when needed.

## **II. The DEQ's Proposed RI Activities**

Wolverine first became aware of the DEQ's intention to consider conducting additional RI work (beyond the work already conducted and planned over the coming months by Wolverine) during our January 16 weekly meeting. During that meeting, DEQ staff mentioned that the DEQ was evaluating 9 to 12 locations for RI work, and that the DEQ would share a map with the proposed locations of the additional RI activities by the end of that week (i.e., by January 18). Unfortunately, we never received such a map until the February 28 letter.

We have evaluated the DEQ's proposed RI activities described in the February 28 letter, and there are items we believe are either premature, not sufficiently justified, or based on an incomplete or inaccurate factual record. First, upon receiving the February 28 letter we noted that the information attached was extremely limited, and does not appear sufficient to justify the proposed volume of work. As a result, we requested the supporting files mentioned in the last paragraph of the letter, and were told that the language is boilerplate and that Wolverine had already been supplied with all available documents. Later, the DEQ met with GZA on Monday, March 4 to answer questions raised by GZA. We appreciate the DEQ's willingness to further explain its position, but still believe the information provided does not support the RI activities being proposed. The attached letter from GZA summarizes some of these and other issues and concerns.

Second, the February 28 letter states that Wolverine owned, operated, transported or arranged for disposal at all three areas (House Street, Tannery and Wolven/Jewell). We are aware of only very limited information, however, to support this conclusion in the Wolven/Jewell area. As you know, Wolverine neither owned nor operated any location in the Wolven/Jewell area, including the alleged gravel pit that is believed to be the primary source of

contamination but has not yet been specifically located despite extensive investigation by Wolverine, the DEQ, and EPA. We reiterate our request for any information the DEQ has in its files, including notes of interviews and any other documents, that support the conclusion that Wolverine arranged for or transported waste to the gravel pit. As you know, the extensive document review and interviews Wolverine has conducted to date have not confirmed disposal of Wolverine waste in the gravel pit.

Finally, the attachment to the February 28 letter states that “a higher level of comprehensive data is needed due to the lack of municipal water currently in the impacted areas.” We disagree with this rationale as the basis for undertaking the additional RI activities proposed by the DEQ. Indeed, as noted above, Wolverine’s proactive, aggressive decision to offer bottled water and highly effective filters has ensured that all residents in these areas have access to safe drinking water. This area-wide availability of safe drinking water removes the need for the urgency suggested in the DEQ’s proposed RI activities. It would be far more sensible to proceed in the orderly and responsible fashion used in environmental investigations generally, and used by Wolverine in these areas, and use the results from ongoing and pending activities to guide future RI activities.

### **III. Conclusion**

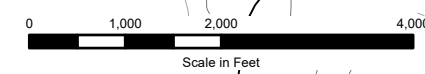
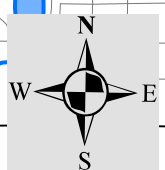
As set forth above, Wolverine has provided safe water to all affected residents in the area, while at the same time conducting extensive RI activities to date and planning to conduct in 2019 the RI activities depicted on the attached maps. While Wolverine has concerns about the scope, justification, and factual basis for the additional RI activities proposed in the DEQ’s letter, Wolverine has decided to conduct: (a) the RI activities in the House Street and Wolven/Jewell areas that Wolverine had already planned for 2019, which includes 30 to 35 wells; and (b) the portion of the DEQ’s proposed additional RI activities related to House Street, consisting of 28 wells in 6 areas. GZA will promptly commence activities to obtain access and schedule drilling for this work. Please feel free to contact me with any questions.

Very truly yours,



John V. Byl

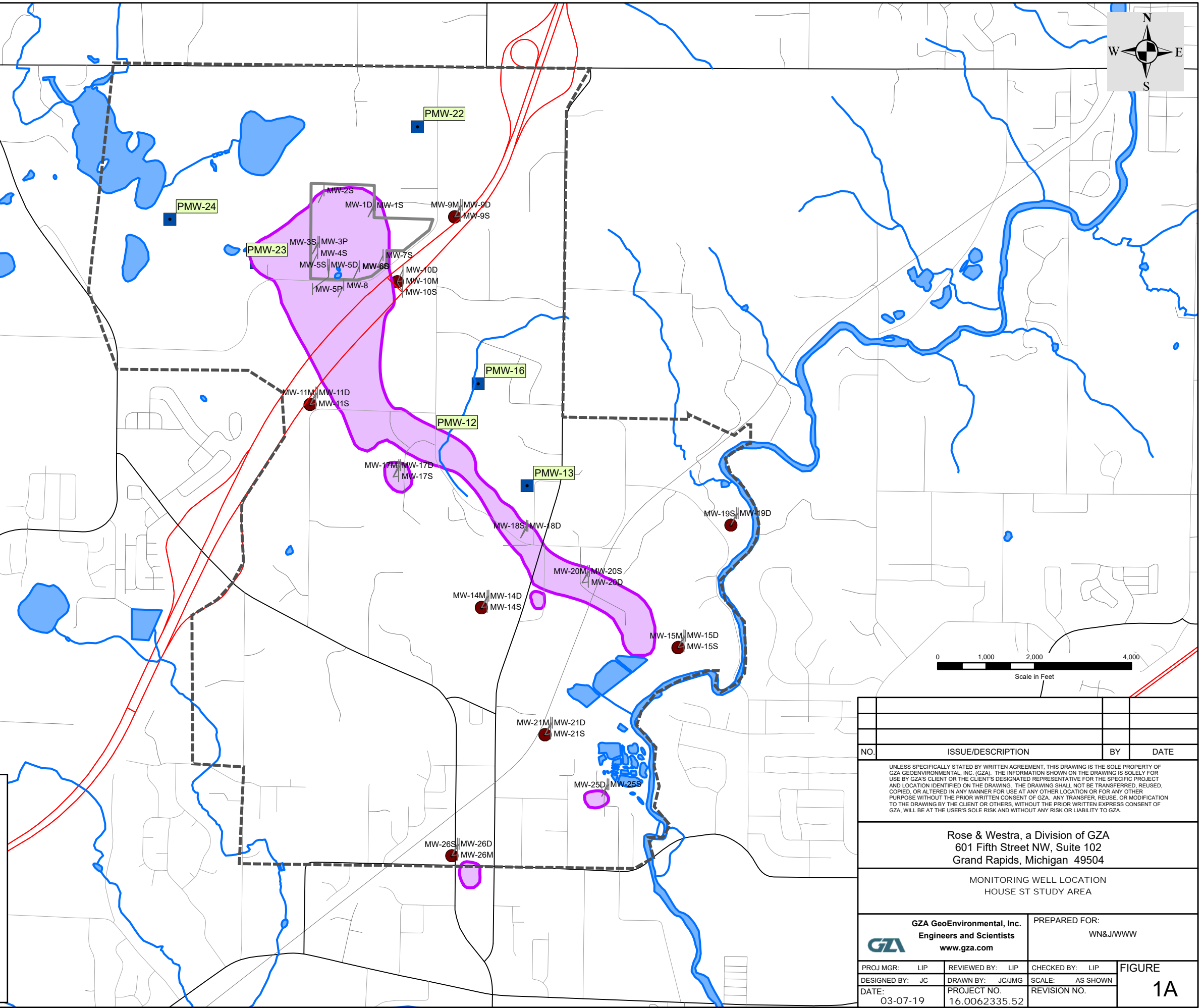
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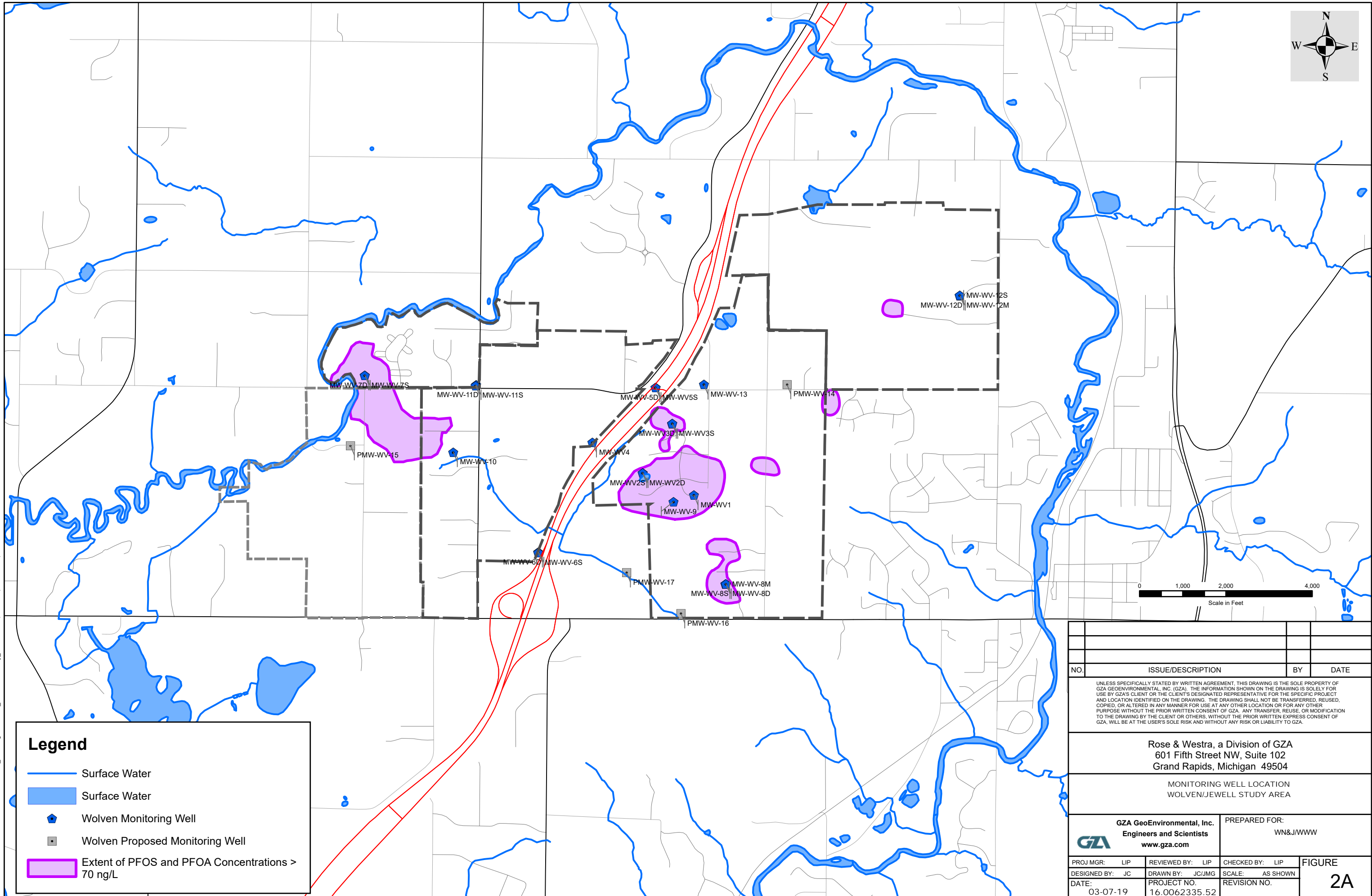
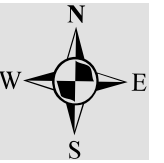
**Legend**

- Surface Water
- Surface Water
- APPROXIMATE HOUSE ST SITE BOUNDARY
- Extent of PFOS and PFOA Concentrations > 70 ng/L
- House St Existing Wells
- House St Proposed Wells

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MONITORING WELL LOCATION HOUSE ST STUDY AREA			
<b>GZA GeoEnvironmental, Inc.</b> Engineers and Scientists www.gza.com		PREPARED FOR: WN&J/WWW	
PROJ MGR: LIP DESIGNED BY: JC DATE: 03-07-19	REVIEWED BY: LIP DRAWN BY: JC/JMG PROJECT NO. 16.0062335.52	CHECKED BY: LIP SCALE: AS SHOWN REVISION NO.	<b>FIGURE</b>  <b>1A</b>



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**Legend**

- Surface Water
- Surface Water
- ▬ Wolven Monitoring Well
- Wolven Proposed Monitoring Well
- Extent of PFOS and PFOA Concentrations > 70 ng/L

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MONITORING WELL LOCATION WOLVEN/JEWELL STUDY AREA			
<b>GZA GeoEnvironmental, Inc.</b> Engineers and Scientists <a href="http://www.gza.com">www.gza.com</a>		PREPARED FOR: WN&J/WWW	
PROJ MGR: LIP	REVIEWED BY: LIP	CHECKED BY: LIP	FIGURE 2A
DESIGNED BY: JC	DRAWN BY: JC/JMG	SCALE: AS SHOWN	
DATE: 03-07-19	PROJECT NO: 16.0062335.52	REVISION NO.	