



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

October 30, 2020

VIA E-MAIL AND U.S. MAIL

Mr. Dave Latchana
Associate General Counsel
Wolverine World Wide, Inc.
9341 Courtland Drive, NE
Rockford, Michigan 49351

Dear Mr. Latchana:

SUBJECT: Notice of Approval with Conditions of the Area 19 Response Activity Plan as Required by the Wolverine World Wide, Inc. Consent Decree Court Case No. 1:18-cv-00039

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Remediation and Redevelopment Division, has reviewed the Response Activity Plan for groundwater investigation in Area 19 of the North Kent Study Area submitted on June 18, 2020, by Rose & Westra, a Division of GZA GeoEnvironmental, Inc. (GZA) on the behalf of Wolverine World Wide, Inc. (Wolverine). The Area 19 Response Activity Plan is a requirement of the Consent Decree (effective February 19, 2020) as described in Sections 7.4, 7.9(b)(ii), and Appendix R of the Consent Decree.

Section 20114b(3) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and as outlined in Section 15.7 of the Consent Decree, states that when a response activity plan is submitted for approval, EGLE may notify the submitter that the plan is approved with conditions, if applicable. The Area 19 Response Activity Plan is approved with the following conditions:

- **Section 1.0 Introduction:**
 - *Include a statement referencing the groundwater investigation activities completed in Area 19 need to meet the requirements laid out in Section 7.9(b)(ii) of the Consent Decree.*
 - *Include a statement referencing the new perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS) Part 201 cleanup criteria which became effective on August 3, 2020. Please update and reference to the new criteria throughout the report as needed.*
- **Section 2.01 Wolven and Jewell Study Area:**
 - *2nd Paragraph: The first sentence of the second paragraph is inaccurate as written. Soil sampling completed by EGLE in 2018 and 2019 identified*

elevated concentrations of select per- and poly-fluoroalkyl substances (PFAS) compounds in soils which are indicative of a source area. While there is no visible evidence of waste materials, there is physical sampling data which suggests it is a PFAS source area. This sentence should be updated to appropriately share this information.

- *3rd Paragraph: Currently as written, this sentence may be interpreted by the reader that only PFOS and PFOA have been identified in the residential wells and area groundwater. However, other PFAS compounds in addition to PFOA and PFOS have been identified. Please update this paragraph accordingly.*
 - *Last paragraph:*
 - *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 Schaider 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 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, so it is clear to the reader that the presence of potential other PFAS sources does not change the obligations Wolverine has under the Consent Decree.*
- **Section 2.06 PFAS Distribution in Groundwater:**
 - *Distribution of PFAS in the Wolven/Jewell Study Area:*
 - *1st Paragraph: EGLE does not agree that there are only two primary plumes within the Wolven/Jewell Study Area. Based on the data collected to date, a minimum of three to four primary plumes appear to be present, which is supported by the information provided in the 2nd and 7th paragraphs on page 5, and 3rd paragraph on page 7 of this plan. Please update this sentence accordingly as to not limit the primary plumes to only two locations.*
 - *Top of page 7: The first statement under number one is not accurate as written. Soil sampling completed by EGLE in 2018 and 2019 identified elevated concentrations of select PFAS compounds in soils which are indicative of a source area. While there is no visible evidence of waste materials, there is physical sampling data which suggests it is a PFAS source area. This sentence should be updated to appropriately share this information.*

- *Distribution of PFOA in Area 19:*
 - *Update this section or refer to the new PFOA and PFOS Part 201 cleanup criteria.*
- **Section 2.07 Exposure Pathways - Applicable Part 201 Cleanup Criteria and CD Action levels:**
 - *Update this section and the referenced project action levels to reflect the new PFOA and PFOS Part 201 cleanup criteria which became effective on August 3, 2020.*
 - *4th Paragraph: Update the purpose to also indicate that the purpose of this work is to define the vertical and horizontal extent of PFAS within Area 19 as discussed in the introduction of the Area R-1 (19) Statement of Work attached to the Consent Decree.*
- **Section 3.0 Proposed Statement of Work:**
 - *Please update this section, so it is clear to the reader that each monitoring well location proposed is a nested well cluster.*
 - *Please include any estimated or targeted well screen depths to this Response Activity Plan which would be necessary to help obtain vertical and horizontal definition, if known.*
 - *Last paragraph should be updated to say "...10ng/L PFOA + PFOS, or applicable criteria."*
- **Section 5.0 Sampling and Analytical Procedures:**
 - *Under the table, please add in this quote from Appendix R "For the perimeter wells only, after the four quarters of sampling, the wells will be tied into the perimeter well SOW and the long-term monitoring plan will be included with those wells."*
- **Section 7.0 Investigation Derived Waste:** *This section should be updated to match the Consent Decree Statement of Work and the applicable portions of the Investigation Derived Waste section in the final Groundwater-Surface Water Response Activity Plan dated September 23, 2020.*
- **General Figure Comment:**
 - *Color coding for detections above detection level and less than 4 ng/L should be identified on the figures in a color other than white. Currently, it is unclear if white is a lack of data, or if low level detections have been identified.*
- **Figures 6 and 7:** *Currently the groundwater table is depicted as being located within and crossing through clay layers. Geologic interpretation should be used, and these cross-sections updated to identify which of the multiple aquifers (shallow, intermediate, deep, etc.) is being depicted on these cross-sections.*
- **Figures 8, 9, and 10:**
 - *Many plumes depicted on these figures are not identified as a continuous groundwater plume. Professional geologic interpretation and judgement*

should be used to estimate the extent of PFAS contamination, even if data is lacking at points between. Please update these figures accordingly.

- *What data is being used to draw the extent of PFAS contamination associated with the North Kent Landfill? It appears that the modeling software has overexaggerated the known plume extent associated with the North Kent Landfill. Also, refer to the sampling results of the residential wells located in the North Kent Landfill Sampling Area.*

EGLE's approval is conditioned on Wolverine making the above changes to the Response Activity Plan. If the above changes are not made, EGLE's approval of the Response Activity Plan is withdrawn.

EGLE would also like to note, that per the requirements of the Consent Decree, Wolverine must define the vertical and horizontal extent of PFAS Compounds contamination within Area 19 as required by Part 201. EGLE anticipates that after this first round of drilling, additional monitoring wells will be needed to meet that objective.

This approval with conditions of the Response Activity Plan is based upon the representations and information contained in the submittal. EGLE expresses no opinion as to whether other conditions that may exist will be adequately addressed by the response activities that are proposed.

If you should have further questions or concerns, please contact the Project Manager, Karen Vorce, Remediation and Redevelopment Division, Grand Rapids District Office, at 616-439-8008, or at VorceK@michigan.gov.

Sincerely,



Abigail Hendershott
District Supervisor
Grand Rapids District Office
Remediation and Redevelopment Division
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cc: Mr. John Byl, Warner Norcross & Judd LLP
Ms. Polly Synk, Department of Attorney General
Ms. Danielle Allison-Yokom, Department of Attorney General
Ms. Karen Vorce, EGLE