

First Modification of the
Administrative Order for Response Activity
Former Kelsey-Hayes Company
101 Oak Street, Milford, Oakland County, Michigan
MDEQ Docket No. AO-RRD-22-001

WHEREAS, Respondent has complied with the obligations under 5.2.a., 5.2.b., and 5.2.c.; and

WHEREAS, on August 9, 2022, Respondent submitted a Technical Summary Report inclusive of additional sampling results, investigative conclusions on the conditions of monitoring well OW-16D2, and a Contingency Plan. Respondent also requested EGLE withdraw the Administrative Order for Response Activity (AO), suspend the requirements under the AO while EGLE considers withdrawing it, and replace the AO with a response activity plan; and

WHEREAS, within 180 days of the effective date of the AO Respondent was required to propose a Financial Assurance Mechanism (FAM) to EGLE for approval; and

WHEREAS, the EGLE District Peer Review of the Technical Summary Report is scheduled to occur on a date following the FAM proposal requirement under the AO and EGLE has not yet made a determination to suspend the requirements of the AO or to withdraw it based on the information provided in the Technical Summary Report; and

WHEREAS, the EGLE RRD Director is authorized to modify any required response activities pursuant to Section XIII of the Order.

NOW, THEREFORE, in consideration of Respondents submittal of the Technical Summary Report and EGLE's consideration of Respondent's requests, the following modification to the Order shall take effect upon the date of the EGLE RRD Director's signature:

Paragraph 5.4 of the AO is modified as follows:

5.4 Financial Assurance. Within 30 days of EGLE's written determination pertaining to the information provided in the Technical Summary Report, Respondent shall propose a Financial Assurance Mechanism to EGLE for approval. The Financial Assurance Mechanism shall be sufficient to ensure the Monitoring and Operation for a period of 30 years. The Cost of the Monitoring and Operation covered by the Financial Assurance Mechanism shall be documented based on an annual estimate of reasonable costs of the Monitoring and Operation as if they were to be conducted by a person under contract to the Village of Milford, not employees of the Respondent. The proposed Financial Assurance Mechanism shall also include all assumptions and calculations used in preparing the necessary cost estimate and shall be signed by an authorized representative of Respondent who shall confirm the validity of the data. Modifications of the due date in this Paragraph may be approved in writing by the EGLE RRD Warren District Supervisor.

All other aspects of the AO as originally issued on March 16, 2022, remain in full force and effect.

This modification became effective on September 16, 2022.




Mike Neller, Director
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes,
and Energy

September 16, 2022

Date

Approved as to form:



Danielle Allison-Yokom
Assistant Attorney General
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

September 16, 2022

Date