

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

In the Matter of:

Lucky Mini Mart Inc.
19331 West 7 Mile Road
Detroit, Michigan 48219

EGLE Docket No. AO-RRD-22-002

Respondent.

Proceeding under Section 21319a of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.21319a.

ADMINISTRATIVE ORDER FOR CORRECTIVE ACTION

ADMINISTRATIVE ORDER FOR CORRECTIVE ACTION

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I. JURISDICTION

This Administrative Order (Order) is issued pursuant to the authority vested in the Michigan Department of Environment, Great Lakes, and Energy (EGLE) by Section 21319a of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.21319a.

II. PARTIES BOUND

This Order shall apply to and be binding upon Lucky Mini Mart Inc. (Respondent) and its successors. No change in ownership or corporate status shall in any way alter Respondent's responsibilities under this Order. Respondent shall provide a copy of this Order to all contractors, subcontractors, laboratories, and consultants retained to conduct any portion of the work performed pursuant to this Order within three (3) calendar days of the effective date of such retention. Notwithstanding the terms of any such contract, Respondent is responsible for compliance with the terms of this Order, and shall ensure that such contractors, subcontractors, laboratories, and consultants perform all work in conformance with the terms and conditions of this Order.

III. DEFINITIONS

3.1 "Contamination" or "contaminated," as defined in Section 21302(g) of Part 213, means the presence of a regulated substance in soil, surface water, or groundwater or air that has been released from an underground storage tank system at a concentration exceeding the level set forth in the RCBA tier I screening levels established under Section 20120a(1)(a) and (b) of Part 213.

3.2 "Corrective action," as defined in Section 21302(h) of Part 213, means the investigation, assessment, cleanup, removal, containment, isolation, treatment, or monitoring of regulated substances released into the environment from an underground

storage tank system that is necessary under this part to prevent, minimize, or mitigate injury to the public health, safety, or welfare, the environment, or natural resources.

3.3 “Day” means a calendar day, unless otherwise specified in this Order.

3.4 “Effective Date” means the date the EGLE Director issues this Order. All dates for the performance of obligations under this Order shall be calculated from the Effective Date.

3.5 “EGLE” means the Michigan Department of Environment, Great Lakes, and Energy, its successor entities, and those authorized persons or entities acting on its behalf.

3.6 “MDAG” means the Michigan Department of Attorney General, its successor entities, and those authorized persons or entities acting on its behalf.

3.7 “Order” means this Administrative Order, No. AO-RRD-22-002 issued to Respondent to perform corrective actions relating to the Property.

3.8 “Part 213” means Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.21301a *et seq.*

3.9 “Parties” means the Respondent and EGLE.

3.10 “Property” means real estate that is contaminated by a release from an underground storage tank system. The Property includes but is not necessarily limited to the real estate located at 19331 West 7 Mile Road, Detroit, Wayne County, Michigan.

3.11 “Risk-based screening level” or “RBSL,” as defined in Section 21303(k) of Part 213, means the unrestricted residential and nonresidential generic cleanup criteria developed by the department pursuant to Part 201.

3.12 “RRD” means the Remediation and Redevelopment Division of EGLE and its successor entities.

3.13 “Site” as defined in Section 21303(m) of Part 213, means a location where a release has occurred or a threat of release exists from an underground storage tank system, excluding any location where corrective action was completed which satisfies the applicable RBSL or SSTL.

3.14 “Site-specific target level” or “SSTL,” as defined in Section 21303(o) of Part 213, means an RBCA risk-based remedial action target level for contamination developed for a site under RBCA tier II and tier III evaluations.

3.15 “State” and “State of Michigan” mean the MDAG and EGLE, and any authorized representatives acting on their behalf.

3.16 Unless otherwise stated herein, all terms used in this Order, which are defined in Part 3, Definitions, of the NREPA, MCL 324.301; Part 213 of the NREPA, MCL 324.21302, *et seq.*; shall have the same meaning in this document as in Part 3 and Part 213.

IV. FINDINGS OF FACT AND DETERMINATIONS

4.1 The real estate located at 19331 West 7 Mile Road, Detroit, Wayne County, Michigan, is a Site (Lucky Mini Mart Site). A gas station has operated on the Lucky Mini Mart Site since approximately 1976. Adjacent properties include commercial buildings located to the north and northwest, a childcare facility to the northeast, a women’s center and family planning facility located to the east, a dry cleaners located to the west, and occupied residences to the south, southeast, and southwest.

4.2 Three confirmed releases have occurred on the Lucky Mini Mart Site. The report dates and release numbers for the confirmed releases are November 29, 1994, C-1447-94, November 8, 2001, C-1306-01, and April 19, 2013, C-0037-13. It has been determined by EGLE that Respondent is liable for release C-0037-13 (See Exhibit A).

4.3 The following persons are liable pursuant to MCL 324.21323a. Respondent was an Owner of the underground storage tank system on the Lucky Mini Mart Site at the time of the most recent release, C-0037-13, of regulated substances at the Lucky Mini Mart Site. Respondent registered as the owner of the underground storage tanks on January 28, 2009. C-0037-13 was discovered on March 26, 2013, when an EGLE consultant conducting state-funded activities for historical releases C-1447-94 and C-1306-01 noticed free product in a test well and stormwater catch basins. The piping connecting the pump islands were found to be actively leaking free product into the subsurface soils and groundwater, which migrated into the sewer system. Therefore, Respondent is responsible for an activity causing a release or threat of release at the Lucky Mini Mart Site pursuant to MCL 324.21323a(1)(a).

4.4 Respondent is a "person" as that term is defined in Section 301(h) of NREPA, MCL 324.301(h).

4.5 By letter dated October 23, 2013, EGLE notified Respondent of its status as a person that is liable for release at the Lucky Mini Mart Site. An Initial Assessment Report for the release was due by September 22, 2013. Respondent submitted an Initial Assessment Report to EGLE on October 2, 2014. A Final Assessment Report was due by March 26, 2014. On July 14, 2021, Respondent submitted a Closure Report that was un-auditable due to the use of an outdated form. The Closure Report was also noted as deficient given that the extent of contaminated groundwater and soil had not been delineated and impacts to off-site properties were unknown.

4.6 On May 4, 2021, EGLE was provided with an update on status of corrective actions from Respondent's Consultant showing sampling event results from March 2013, as documented in the NAPL Lines of Evidence Table and Soil Analytical Table CURRENT Letters (See Exhibit B and C). The sampling results showed nonaqueous-phase liquid (NAPL) present with gasoline-range organics (GRO) levels as high as 24,000,000 µg/Kg, and toluene present in levels as high as 2,200,000 µg/Kg in boring SB-13-02, which is within 15 feet of sub-surface utilities. The highest levels of toluene detected in boring SB-13-02 are 595 times greater than the volatilization to indoor air pathway (VIAP) screening level of 3,700 µg/Kg.

4.7 On February 8, 2022, EGLE sent Respondent a Notice of Expedited Actions Needed, requesting that Respondent immediately undertake necessary initial response actions under Section 21307 of Part 213, including to address VIAP risks and acute vapor hazards, assess subsurface utilities to determine whether VIAP risks are present and conduct interim response actions, if present, and to immediately stop further migration and any associated risks. Respondent did not provide a summary of corrective actions taken in response to the letter by February 28, 2022, as requested.

4.8 In April 2022, EGLE conducted an investigation of the Lucky Mini Mart Site. During the investigation, EGLE screened and sampled vapors from seven storm drains located to the south of the Lucky Mini Mart real estate. The results of the screening showed contaminants related to gasoline parameters, including 9 constituents that exceed residential and/or nonresidential site-specific volatilization to indoor air criteria (SSVIAC) (See Exhibit D). These results are indicative that respondents have not performed initial response actions that satisfy the requirements under Section 21307(2) of Part 213.

4.9 The presence of NAPL with GRO and toluene at these levels within 15 feet of sub-surface utilities and within 20 feet from the nearest occupied residence poses potential VIAP risks for the employees at the gas station and inhabitants of the

nearest residence located at 19030 Huntington Road. Migration of Contamination into subsurface utilities such as storm sewers has been known to cause VIAP risks to offsite properties that are connected to the subsurface utilities. Since the extent of the NAPL and contamination is not delineated, it is possible that additional occupied residences and adjacent buildings, including a women's center and family planning facility located at 19305 West 7 Mile Road and a dry cleaners located at 19401 West 7 Mile Road, may have VIAP risks present.

4.10 The migrating NAPL with GRO includes a wide range of chemicals that can produce differing health effects depending on the concentration, route of exposure, and duration of exposure. Toluene, a constituent of GRO and detected at levels stated previously, may cause cognitive and neurological impairments to receptors after 20 minutes of inhalation exposure. Acute symptoms of toluene exposure through inhalation include irritation of the nose and eyes, exhaustion and weakness, dizziness, headaches, and hearing loss. Long term inhalation exposure to toluene at these levels may lead to permanent damage of the central nervous system.

4.11 The actual or threatened releases of regulated substances, including but not limited to NAPL with GRO and toluene, at or from the Lucky Mini Mart Site, regarding release number C-0037-13, poses an imminent risk to the public health, safety, welfare, or the environment within the meaning of Section 21319a of Part 213, MCL 324.21319a.

4.12 In order to protect public health, safety, and welfare, and the environment, and to abate the danger or threat caused by the release or threat of release of regulated substances from the Lucky Mini Mart Site, it is necessary and appropriate that corrective actions be performed. Section V (Order) of this Administrative Order specifies the corrective actions that must be performed. On the basis of these Findings of Fact, EGLE has determined that issuance of this Order is necessary to abate the

danger or threat caused by the release or threat of release of regulated substances from the Lucky Mini Mart Site.

V. ORDER

Based upon Section IV (Findings of Fact and Determinations), Respondent is hereby ordered to perform the corrective actions set forth in this Order. All corrective actions performed pursuant to this Order shall comply with the requirements of Part 213, and all other state and federal laws.

5.1 **Performance Objectives.** The performance objectives of this Order are: to immediately perform response actions in order to abate the imminent risk to the public health, safety, welfare, or the environment posed by the release or threat of release of regulated substances at and from the Lucky Mini Mart Site; and to submit a statutorily complete final assessment report pursuant to Section 21311a of Part 213, including a corrective action plan developed in accordance with Section 21309a of Part 213, in order to address the Contamination caused by release number C-0037-13.

5.2 **Initial Response Actions.** Respondent shall immediately perform initial response actions required under Section 21307(2) of Part 213, including all the following:

- a) Identify and mitigate immediate fire, explosion hazards, and acute vapor hazards.
- b) Take action to prevent further release of the regulated substance into the environment including removing the regulated substance from the underground storage tank system that is causing the release.
- c) Using the process outlined by RBCA regarding NAPL, take steps necessary and feasible under this part to address unacceptable immediate risks.

d) Excavate and contain, treat, or dispose of soils above the water table that are visibly contaminated with a regulated substance if the contamination is likely to cause a fire hazard.

e) Take any other action necessary to abate an immediate threat to public health, safety, or welfare, or the environment.

5.3 Immediately following initiation of Initial Response Actions under this Section, Respondent shall do all the following in accordance with Section 21307(3) of Part 213:

a) Visually inspect the areas of any aboveground releases or exposed areas of belowground releases and prevent further migration of the released substance into surrounding soils, groundwater, and surface water.

b) Continue to monitor and mitigate any additional immediate fire and safety hazards posed by vapors or NAPL that have migrated from the underground storage tank system excavation zone and entered into subsurface structures.

5.4 **Final Assessment Report.** Within 365 days of this Order's Effective Date, Respondent shall complete a Final Assessment Report (FAR) in accordance with the requirements of Section 21311a of Part 213. The FAR shall also include a Corrective Action Plan (CAP) that meets the requirements of Section 21309a of Part 213.

5.5 **Notice of On-site Work Activity.** Respondent, or its consultants or subcontractors, shall provide EGLE a 48-hour notification (Notice of On-site Work Activity) prior to any sampling activity to be conducted pursuant to this Order to allow the EGLE Project Manager, or his or her authorized representative, the opportunity to take split or duplicate samples, to take additional samples, or to observe the sampling procedures.

VI. PROJECT MANAGER AND COMMUNICATION/NOTICES

6.1 Within thirty (30) days of the Effective Date of this Order, Respondent shall designate and provide contact information to a Project Manager who shall have primary responsibility for overseeing the performance of the corrective actions at the Property and other requirements specified in this Order for Respondent. EGLE Project Manager shall be Ari McKeever who can be contacted as follows:

Ari McKeever, Project Manager
Detroit District Office
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
27700 Donald Court
Warren, Michigan 48092
Phone: 517-388-4515
Fax: 586-751-4690
E-mail Address: McKeeverA1@Michigan.gov

EGLE Project Manager will be the primary designated representative for EGLE for the Property. Whenever notices are required to be given or progress reports, information on the collection and analysis of samples, sampling data, approvals or disapprovals, or other technical submissions are required to be forwarded by one Party to the other Party under this Order, or whenever other communications between the Parties are needed, such communications shall be directed to EGLE Project Manager at the address listed above. If any party changes its designated Project Manager, the name, address, and telephone number of the successor shall be provided to the other Party, in writing, as soon as practical.

6.2 EGLE may designate other authorized representatives, employees, contractors, and consultants to observe and monitor the progress of any activity undertaken pursuant to this Order.

6.3 This paragraph does not relieve Respondent from other reporting obligations under applicable state and federal laws and regulations.

VII. ACCESS

7.1 Upon the Effective Date of this Order, Respondent shall allow EGLE and its authorized employees, agents, representatives, contractors, and consultants to enter the Lucky Mini Mart Site and associated Properties at all reasonable times to the extent access to the Lucky Mini Mart Site and any associated Properties are owned, controlled by, or available to Respondent. Upon presentation of proper credentials and upon making a reasonable effort to contact the person in charge of the Lucky Mini Mart Site, EGLE staff and its authorized employees, agents, representatives, contractors, and consultants shall be allowed to enter the Lucky Mini Mart Site and associated Properties to the extent that they're owned, controlled or available to Respondent, for the purpose of conducting any activity for which access is required for the implementation of this Order or to otherwise fulfill any responsibility under state or federal laws with respect to the Lucky Mini Mart Site and associated Properties, including, but not limited to, the following:

- a) Inspecting an underground storage tank system.
- b) Obtaining samples of any substance from an underground storage tank system.
- c) Requiring and supervising the conduct of monitoring or testing of an underground storage tank system, its associated equipment, or contents.
- d) Conducting monitoring or testing, or taking samples of soils, air, surface water, or groundwater.
- e) Taking corrective action.

f) Inspecting and copying any records related to an underground storage tank system.

7.2 To the extent that the Lucky Mini Mart Site, or any other associated Properties where the corrective actions are to be performed by Respondent under this Order, is owned or controlled by persons other than Respondent, Respondent shall use its best efforts to secure from such persons written access agreements or judicial orders providing access for the Parties and their authorized employees, agents, representatives, contractors, and consultants. Respondent shall provide EGLE with a copy of each written access agreement or judicial order secured pursuant to this Section. For purposes of this Paragraph, "best efforts" includes, but is not limited to, providing reasonable consideration acceptable to the owner, or taking judicial action to secure such access. If judicial action is required to obtain access, Respondent shall provide documentation to EGLE no later than thirty (30) day after such judicial action has been filed in a court of appropriate jurisdiction for which such access is needed. If Respondent has not been able to obtain access within thirty (30) days after filing judicial action, Respondent shall promptly notify EGLE of the status of its efforts to obtain access and shall describe how any delay in obtaining access may affect the performance of corrective actions for which the access is needed. Any delay in obtaining access shall not be an excuse for delaying the performance of corrective actions.

7.4 Any person granted access to the Site and associated Properties pursuant to this Order shall comply with all applicable health and safety laws and regulations.

7.5 Notwithstanding any provision of this Order, EGLE shall retain all its information gathering, inspection, enforcement, and access authorities under Part 213 and any applicable statute or regulation.

VIII. COMPLIANCE WITH OTHER LAWS

All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable or relevant and appropriate state and federal laws and regulations, including but not limited to Part 31, Part 201, Part 211, and Part 213 of the NREPA, laws relating to occupational safety and health, and other state environmental laws and any other necessary permits. In the event that there is a conflict in the application of federal or state laws or regulations, the more stringent of the conflicting provisions shall apply. Other agencies may also be called upon to review the conduct of work under this Order. Further, Respondent must designate, in a report to EGLE, any facilities that Respondent proposes to use for the off-site transfer, storage, treatment or disposal of any waste material.

IX. RECORD RETENTION/ACCESS TO INFORMATION

9.1 Respondent and its representatives, consultants, and contractors shall preserve and retain, during the pendency of this Order all records, sampling or test results, charts and other documents relating to historical regulated substance disposal, treatment, or handling activities at the Property or that are maintained or generated pursuant to any requirement of this Order.

9.2 Respondent shall, upon request, provide to EGLE all documents and information within its possession, or within the possession or control of its employees, contractors, agents, or representatives relating to the work at the Property or to the implementation of this Order, including, but not limited to, sampling, analysis, chain of custody records, manifests, trucking logs, receipts, reports, sample traffic routing, correspondence or other documents or information related to the work. Respondent shall also, upon request, make available to EGLE, upon reasonable notice, Respondent's employees, contractors, agents, or representatives with knowledge of relevant facts concerning the performance of the work.

9.3 Respondent may assert a confidentiality or privilege claim, if appropriate, covering all or part of the information requested by this Order. Such an assertion shall be adequately substantiated when it is made. If no such claim accompanies the information when it is submitted to EGLE, it may be made available to the public by EGLE without further notice to Respondent. Analytical data shall not be claimed as confidential or privileged by Respondent.

X. PROGRESS REPORTS

10.1 Respondent shall provide to EGLE Project Manager written progress reports regarding corrective actions and other matters at the Property related to the implementation of this Order. These progress reports shall include the following:

- a) A description of the activities that have been taken toward achieving compliance with this Order during the specified reporting period.
- b) All results of sampling and tests and other data that relate to the corrective actions performed pursuant to this Order received by Respondent, its employees, or authorized representatives during the specified reporting period.
- c) The status of any access issues that have arisen, which affect or may affect the performance of corrective actions, and a description of how Respondent proposes to resolve those issues and the schedule for resolving the issues.
- d) A description of the nature and amount of waste materials that were generated and the name and location of the facilities that were used for the off-site transfer, storage, and treatment or disposal of those waste materials including NAPL.
- e) A description of data collection and other activities scheduled for the next reporting period.

(f) Any other relevant information regarding other activities or matters at the Property that affect or may affect the implementation of the requirements of this Order.

10.2 The first progress report shall be submitted to EGLE within 30 days following the Effective Date of this Order. Thereafter, progress reports shall be submitted monthly. Pursuant to Section XI of this Order, EGLE may approve modification of the schedule for the submission of progress reports.

XI. AMENDMENTS/INCORPORATION BY REFERENCE

This Order may only be amended in writing by signature of the Director of EGLE or his or her authorized representative. Any required corrective action may only be modified by the RRD Director or his or her authorized representative.

XII. PENALTIES FOR NON-COMPLIANCE

Pursuant to Section 21319a(4)(a) and Section 21319a(4)(b) of Part 213, MCL 324.21319a(4)(a) and MCL 324.21319a(4)(b), Respondent is advised that if, without sufficient cause, Respondent violates or fails to properly comply with this Order, Respondent may be: (a) fined in a civil action brought in circuit court up to twenty-five thousand dollars (\$25,000.00) for each day in which such violation occurs or such failure to comply continues; and/or (b) subject to liability for exemplary damages in the amount of up to three (3) times the amount of any costs of corrective action incurred by the State of Michigan as a result of Respondent's failure to comply with this Order.

XIII. DISCLAIMERS

The State of Michigan, including EGLE and its employees, agents, and consultants, shall not be liable for injuries or damages to persons or property resulting

from acts or omissions by Respondent, its officers, employees, agents, or contractor(s) in carrying out activities pursuant to this Order. The State of Michigan, including EGLE, shall not be held as a party to any contract entered into by Respondent or its officers, employees, agents, or contractor(s) in carrying out activities pursuant to this Order.

XIV. RESERVATION OF RIGHTS BY EGLE

14.1 EGLE expressly reserves all rights and defenses that it may have, to request or order Respondent to perform corrective actions in addition to those detailed in this Order. In addition, EGLE reserves the right to undertake corrective actions at any time and to perform any and all portions of the corrective actions required by this Order that Respondent has failed or refused to perform properly or promptly. EGLE, in cooperation with the MDAG, reserves any and all rights to take any enforcement action pursuant to Part 213, or any other available legal authority, including, but not limited to, the right to seek injunctive relief, monetary costs, damages or penalties, or punitive damages for any violation of law or of this Order.

14.2 Nothing in this Order shall be deemed to limit the power and authority of EGLE or the State of Michigan to take, direct, or order all appropriate action to protect the public health, welfare, or the environment or to prevent, abate or minimize a release or threatened release of regulated substances, pollutants, or contaminants on, at, or from the Property.

XV. RESPONDENT'S INTENT TO COMPLY WITH THIS ORDER

In accordance with Section 21319a(3) of Part 213, MCL 324.21319a(3), Respondent is advised that within thirty (30) of the Effective Date of this Order, Respondent is required to indicate to EGLE in writing whether or not Respondent intends to comply with this Order to:

Via First Class Mail

Mike Neller, Director
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
P.O. Box 30426
Lansing, Michigan 48909-7926

Via Courier

Mike Neller, Director
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
Constitution Hall, 5th Floor, South Tower
525 West Allegan Street
Lansing, Michigan 48933-1502

XVI. OPPORTUNITY TO CONFER

Respondent may, by orally notifying EGLE Project Manager within seven (7) days after receipt of this Order, request a conference with EGLE to discuss the correctness of any factual determinations upon which the Order is based, the applicability of this Order to Respondent, and the appropriateness of any action Respondent is ordered to take. If Respondent requests a conference, such conference shall be held either Wednesday, November 9, 2022 1:00 p.m. to 3:00 p.m. or Monday, November 14, 2022 1:00 p.m. to 3:00 p.m. At any conference held pursuant to Respondent's request, Respondent may appear in person or through an attorney or other representative for the purpose of orally presenting any objections, defenses, or contentions that Respondent may have regarding this Order, provided that such presentations shall not be a part of the administrative record upon which this Order is based.

XVII. SEVERABILITY

The provisions of this Order shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state law, and

therefore unenforceable, the remaining provisions of this Order shall remain in full force and effect.

XVIII. TERMINATION OF CERTAIN PROVISIONS

Sections 5.2, 5.3, 5.4, 5.5, and X of this Order shall terminate upon operation of one of the following as it relates to the FAR required by Paragraph 5.4 of this Order:

- EGLE's audit determination of approved; or
- The conditions for EGLE's approval with conditions have been met; or
- Approval by operation of Section 21315 of Part 213.

Termination of the aforementioned Sections in this Order does not terminate any requirements to maintain compliance with Part 213. All other Sections of this Order shall remain in force and effect.

XIX. EFFECTIVE DATE

This Order is effective on the date of its issuance.

IT IS SO ORDERED.

Issued at Lansing, Michigan, this 3rd day of November, 2022.



Liesl Eichler Clark, Director
Michigan Department of Environment, Great Lakes, and Energy

APPROVED AS TO FORM:



Andrew Prins, Assistant Attorney General
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

DATE: 10/27/22

EXHIBIT A
Confirmed Release Report



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
BUREAU OF FIRE SERVICES
RICHARD W. MILLER
STATE FIRE MARSHAL

STEVE ARWOOD
DIRECTOR

April 19, 2013

CERTIFIED MAIL

Lucky Mini Mart, Inc
26311 Sheahan
Dearborn Heights, Michigan 48127

Dear Lucky Mini Mart:

**SUBJECT: Facility ID: #14228 Confirmed Release Number: C-0037-13
Lucky Mini Mart, Inc., 19331 West Seven Mile Road, Detroit, Michigan 48219**

On April 19, 2013 the Department of Licensing and Regulatory Affairs, Bureau of Fire Services (LARA), was notified of a release of a regulated substance from an underground storage tank (UST) system at the subject location. Enclosed is a copy of the confirmed release report.

Note that with effect from December 2, 2012, the underground storage tank program was transferred from the Department of Environmental Quality (DEQ) to LARA. The management of the leaking underground storage tank program remains with the DEQ.

Pursuant to Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, you are responsible for hiring a Qualified Underground Storage Tank Consultant (QC) to conduct the required corrective actions at this location. Please see the enclosed information regarding the hiring of a QC. If you do not agree that you are responsible for conducting corrective actions at this facility, please submit supporting documentation to the following address within 30 days from the date of receipt of this letter that demonstrates you are not responsible for the release.

Remediation and Redevelopment Division
Department of Environmental Quality (DEQ)
Southeast Michigan District Office-Warren
27700 Donald Court, Warren, Michigan 48092

Correspondence and reports required under (and/or related to) Part 213, should be submitted to the above district office of the DEQ.

If your means of financial responsibility is liability insurance, the DEQ would like to remind you to immediately report the confirmed release to your insurance provider and begin corrective actions. If

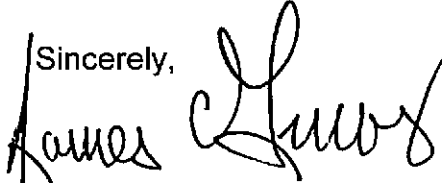
you have an alternate form of financial responsibility, please proceed to undertake all corrective actions pursuant to the requirements of Part 213.

In the event your claim is denied, you are not relieved of your responsibility to perform corrective actions in accordance with Part 213. If your claim is denied, in whole or in part, the DEQ requests that you send a copy of the denial letter from your insurance provider to Mr. Robert Reisner, Remediation Division, P.O. Box 30473, Lansing, Michigan 48909-7973 or reisner@michigan.gov.

The DEQ may audit or oversee all aspects of corrective actions undertaken pursuant to Part 213. Please be advised that the liable owner or operator may be subject to penalties for not submitting the reports outlined in Part 213, or may also be subject to civil and/or criminal fines and penalties for failure to comply with Part 213.

Please note that you are required to notify the LARA of any changes to your UST system using the form "Registration of Underground Storage Tanks." Please include the facility identification number in any further communications with the DEQ and/or LARA. Should you have questions regarding this letter, or need additional information, please call 517-335-7279.

Sincerely,



James C Lucas
Storage Tank Division
Bureau of Fire Services
517-373-7279

Enclosures:

Confirmed Release Report

Hiring A Consultant

Intent of Removal, Closure, or Change-in-Service of Underground Storage Tanks

Registration of Underground Storage Tanks

24 HOUR VIOLATION *pd*


Department of Licensing and Regulatory Affairs, Bureau of Fire Services, Storage Tank Division
525 W. Allegan Street, 4th Floor, P.O. Box 30700, Lansing, Michigan 48909 Phone 517-335-7211, Fax 517-335-2245

RELEASE REPORT: SUSPECTED CONFIRMED

THIS INFORMATION IS REQUIRED UNDER 1994 PA 451, AS AMENDED (Act 451). FAILURE TO COMPLY WITH THE PROVISIONS OF THIS ACT MAY RESULT IN A MISDEMEANOR AND/OR CIVIL PENALTIES NOT TO EXCEED \$5000 PER DAY, PER TANK.

INSTRUCTIONS: This form applies to releases of petroleum and hazardous substances from underground storage tanks regulated under Part 211, Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (PA 451).

The owner or operator must report suspected and confirmed releases to the Bureau of Fire Services (BFS) within 24 hours of discovery. The report may be made by a consultant on behalf of the owner/operator. FAX this form to 517-335-2245 or call 517-335-7279. All information on this form must be provided regardless of whether the release is reported by telephone or FAX. For further information see Page 2.

BFS USE ONLY	
FACILITY NUMBER 1422B	ENTRY DATE 4/19/13
UPGRADE/CANCEL DATE —	INCIDENT NUMBER C-0037-13
DATE REPORTED 4/19/13	TIME REPORTED 9:57 <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM
REPORTED BY: <input type="checkbox"/> FAX <input checked="" type="checkbox"/> EMAIL <input type="checkbox"/> REGULAR MAIL	
 Signature	

PERSON REPORTING RELEASE Joshua Scheels		COMPANY (IF NOT OWNER/OPERATOR) MDEQ - RRD		AREA CODE & TELEPHONE NUMBER (586) 753-3766	
TANK REMOVAL CONTRACTOR —		CONTRACTOR CONTACT —		CONTRACTOR AREA CODE & TELEPHONE NUMBER () —	
I. OWNERSHIP OF TANKS			II. LOCATION OF TANKS		
NAME OF OWNER (CORPORATION, INDIVIDUAL, ETC.) Lucky Mini Mart, Inc.			FACILITY NAME OR COMPANY SITE IDENTIFIER Lucky Mini Mart, Inc.		
STREET ADDRESS 26311 Sheehan			STREET ADDRESS (P.O. Box Not Acceptable) 19331 West Seven Mile Road		
CITY Dearborn Heights	STATE MI	ZIP CODE 48127	CITY Detroit	COUNTY Wayne	STATE MI
AREA CODE & TELEPHONE NUMBER (313) 999-6442			AREA CODE & TELEPHONE NUMBER (313) 592-8921		
DATE RELEASE DISCOVERED: 3/26/13			CONTACT PERSON FOR LOCATION Abraham Nunu		
TIME RELEASE DISCOVERED: <input checked="" type="checkbox"/> AM <input type="checkbox"/> PM					
TANK NUMBER ¹ (if known)	—	—			
SIZE OF TANK (gallons)	12,000	8,000			
SUBSTANCE RELEASED	gasoline	gasoline			
CONSTRUCTION OF TANK	fiberglass	fiberglass			
REASON FOR RELEASE	leaking piping	leaking piping			
CAUSE OF RELEASE (Check all that apply)	<input type="checkbox"/> Tank <input checked="" type="checkbox"/> Piping <input type="checkbox"/> Spill Protection <input type="checkbox"/> Overfill Protection <input type="checkbox"/> Dispenser <input type="checkbox"/> Unknown <input type="checkbox"/> IM-10 <input type="checkbox"/> Other (provide details in comments)	<input type="checkbox"/> Tank <input checked="" type="checkbox"/> Piping <input type="checkbox"/> Spill Protection <input type="checkbox"/> Overfill Protection <input type="checkbox"/> Dispenser <input type="checkbox"/> Unknown <input type="checkbox"/> IM-10 <input type="checkbox"/> Other (provide details in comments)	<input type="checkbox"/> Tank <input type="checkbox"/> Piping <input type="checkbox"/> Spill Protection <input type="checkbox"/> Overfill Protection <input type="checkbox"/> Dispenser <input type="checkbox"/> Unknown <input type="checkbox"/> IM-10 <input type="checkbox"/> Other (provide details in comments)	<input type="checkbox"/> Tank <input type="checkbox"/> Piping <input type="checkbox"/> Spill Protection <input type="checkbox"/> Overfill Protection <input type="checkbox"/> Dispenser <input type="checkbox"/> Unknown <input type="checkbox"/> IM-10 <input type="checkbox"/> Other (provide details in comments)	<input type="checkbox"/> Tank <input type="checkbox"/> Piping <input type="checkbox"/> Spill Protection <input type="checkbox"/> Overfill Protection <input type="checkbox"/> Dispenser <input type="checkbox"/> Unknown <input type="checkbox"/> IM-10 <input type="checkbox"/> Other (provide details in comments)
HOW WAS LEAK DETECTED (Check all that apply)	<input type="checkbox"/> Tank Removal <input type="checkbox"/> Inventory Records <input type="checkbox"/> Repairs <input type="checkbox"/> Stained Soil <input checked="" type="checkbox"/> Petroleum Odors <input type="checkbox"/> Analytical Data <input checked="" type="checkbox"/> Free Product and/or Oil Sheen in Groundwater	<input type="checkbox"/> Tank Removal <input type="checkbox"/> Inventory Records <input type="checkbox"/> Repairs <input type="checkbox"/> Stained Soil <input checked="" type="checkbox"/> Petroleum Odors <input type="checkbox"/> Analytical Data <input checked="" type="checkbox"/> Free Product and/or Oil Sheen in Groundwater	<input type="checkbox"/> Tank Removal <input type="checkbox"/> Inventory Records <input type="checkbox"/> Repairs <input type="checkbox"/> Stained Soil <input type="checkbox"/> Petroleum Odors <input type="checkbox"/> Analytical Data <input type="checkbox"/> Free Product and/or Oil Sheen in Groundwater	<input type="checkbox"/> Tank Removal <input type="checkbox"/> Inventory Records <input type="checkbox"/> Repairs <input type="checkbox"/> Stained Soil <input type="checkbox"/> Petroleum Odors <input type="checkbox"/> Analytical Data <input type="checkbox"/> Free Product and/or Oil Sheen in Groundwater	<input type="checkbox"/> Tank Removal <input type="checkbox"/> Inventory Records <input type="checkbox"/> Repairs <input type="checkbox"/> Stained Soil <input type="checkbox"/> Petroleum Odors <input type="checkbox"/> Analytical Data <input type="checkbox"/> Free Product and/or Oil Sheen in Groundwater
COMMENTS (attach additional sheets if necessary): Release discovered while DEQ was conducting state-funded remedial investigation activities for two former confirmed releases.					

¹ Copy this page for additional tanks if needed.

UNITED STATES POSTAGE
 02 1M
 0058
 \$ 06.510
 2 22 2013
 MILED FROM ZIP 48127

RECEIVED
 MAY 23 2013
 DEQ-RRD
 EXECUTIVE SECTION

**RETURN RECEIPT
 REQUESTED**

Storage Tanks

48127

Returned

LUCKY MINI MART INC
 26311 SF
 DEARBORN

APR 29 2013
 RB
 MAY 6 2013
 NOTICE



4069 6086 1000 0292 6000



REMEDIAL AND REDEVELOPMENT DIVISION
 MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY
 P.O. BOX 30426
 LANSING, MICHIGAN 48909-7926

EQP-4460
DEQ

PS Form 3811, February 2004

6114-227187

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
1. Article Addressed to: LUCKY MINI MART INC 26311 SHEAHAN DEARBORN HEIGHTS, MICHIGAN 48127		A. Signature <input type="checkbox"/> Agent <input checked="" type="checkbox"/> X <input type="checkbox"/> Addressee	
2. Article Number 1-1 411 7009 2820 0001 9803 6904 (Transfer from service label) PS Form 3811, February 2004 Domestic Return Receipt		B. Received by (Printed Name) C. Date of Delivery	
3. Service Type <input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.		D. Is delivery address different from item 1? <input type="checkbox"/> Yes YES, enter delivery address below: <input type="checkbox"/> No	
4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes <input type="checkbox"/> No			

EXHIBIT B

NAPL Lines of Evidence Table

TABLE 5
NAPL Lines of Evidence

Sample Location	Matrix	Maximum PID (ppm)	Maximum TPH (mg/kg)	Odor	Visual Observations Staining/Sheen	UV fluorescence	Sudan Dye Test	LIF (% REF)	Maximum BTEX Concentrations (µg/kg)*	B+T/E+X Ratio	Free Product in MWs	NAPL Absence/Presence
SB-13-01	Soil	203	17	Yes	No	-	-	25.9	4,330	0.28	N/A	Possible
SB-13-02 (MW-13-04)	Soil	1,887	24,000	Yes	No	-	-	37.8	4,480,000	1.12	No	Present
SB-13-03	Soil	2,765	2,900	Yes	Yes	-	-	38.4	467,000	0.49	N/A	Present
SB-13-04	Soil	0.6	-	No	No	-	-	0.7	630	3.5	N/A	Absent
SB-13-05	Soil	1,892	4,000	Yes	No	-	-	30.6	527,000	0.078	N/A	Present
SB-13-06 (MW-13-01)	Soil	1,192	190	Yes	Yes	-	-	0.7	23,760	0.015	No	Present
SB-13-07 (MW-13-02)	Soil	2,744	36,000	Yes	Yes	-	-	113.1	7,130,000	0.624	Yes	Present
SB-13-08 (MW-13-03)	Soil	1.7	5.5	No	No	-	-	0.7	2,050	1.158	No	Absent
SB/MW-1	Soil	0.2	5.6	No	No	-	-	0.7	ND	-	No	Absent
SB/MW-2	Soil	0	-	No	No	-	-	1.4	ND	-	No	Absent
SB/MW-3	Soil	0	-	No	No	-	-	-	ND	-	No	Absent
SB/MW-4	Soil	0	110	Yes	No	-	-	-	26,010	0.06	No	Absent
SB/MW-5	Soil	4	-	No	No	-	-	-	ND	-	No	Absent
SB/MW-6	Soil	0	-	No	No	-	-	1	ND	-	No	Absent
SB/MW-7	Soil	0	-	No	No	-	-	-	ND	-	No	Absent
SB/MW-8	Soil	1,263	280	Yes	No	-	Positive	163.5	56,900	0.299	Yes	Present

*ND - Non-detect
N/A - Not applicable
- No data

	Matrix	Elevated Concentrations (>1000 ug/l)	Persistent Concentrations	Concentrations Exceed Solubility Limit
MW-13-01	Groundwater	Yes	No	No
MW-13-02	Groundwater	Yes	Yes	No
MW-13-04	Groundwater	Yes	Yes	No
MW-1	Groundwater	No	No	No
MW-2	Groundwater	-	-	No
MW-3	Groundwater	No	No	No
MW-4	Groundwater	Yes	Yes	No
MW-5	Groundwater	-	-	No
MW-6	Groundwater	-	-	No
MW-7	Groundwater	-	-	No
MW-8	Groundwater	Yes	Yes	No
Correlation?				

TPH vs. PID vs. Indicator Compounds

EXHIBIT C
Soil Analytical Table

TABLE 1
SOIL ANALYTICAL RESULTS - Unleaded Gasoline Parameters

Lucky Mini Mart
 19331 West Seven Mile Road
 Detroit, Michigan 48219

SAMPLE LOCATION	SAMPLE DEPTH (feet)	SAMPLE DATE	ANALYSIS DATE	Benzene (l)	Toluene (l)	Ethylbenzene (l)	Xylenes (l)	Methyl-tert-butyl-ether	1,2,4-Trimethyl benzene(l)	1,3,5-Trimethyl benzene(l)	Naphthalene	2-Methyl naphthalene
				(micrograms per kilogram)								
SB-13-01	6.0	3/5/2013	3/14/2013	170	790	350	3,020	<50	1,800	600	280	<250
SB-13-01	9.0	3/5/2013	3/14/2013	400	<72	<72	170	<72	190	<72	<360	<360
SB-13-02 (MW-13-04)	4.5	3/5/2013	3/14/2013	880	3,200	930	2,580	<66	270	130	860	700
SB-13-02 (MW-13-04)	7.5	3/5/2013	3/15/2013	170,000	2,200,000	290,000	1,820,000	<5,900	690,000	230,000	81,000	90,000
SB-13-02 (MW-13-04)	10.0	3/5/2013	3/14/2013	7,000	450	93	540	1,300	290	95	<320	<320
SB-13-03	4.5	3/5/2013	3/14/2013	8,500	36,000	53,000	217,000	<900	150,000	130,000	27,000	35,000
SB-13-03	7.0	3/5/2013	3/14/2013	14,000	140,000	49,000	264,000	<1,200	130,000	39,000	20,000	21,000
SB-13-03	13.5	3/5/2013	3/14/2013	<78	190	<78	180	130	120	<78	<390	<390
SB-13-04	4.5	3/6/2013	3/14/2013	60	430	<50	140	<50	<50	<50	<250	<250
SB-13-04	6.5	3/6/2013	3/14/2013	66	<72	<72	<212	<72	<72	<72	<360	<360
SB-13-04	12.5	3/6/2013	3/14/2013	<71	<71	<71	<211	<71	<71	<71	<360	<360
SB-13-05	4.5	3/6/2013	3/15/2013	130	1,900	340	2,150	<50	1,100	320	440	480
SB-13-05	7.0	3/6/2013	3/14/2013	15,000	23,000	83,000	406,000	<1,100	210,000	63,000	38,000	31,000
SB-13-05	15.0	3/6/2013	3/14/2013	<65	550	100	670	<65	390	120	<330	<330
SB-13-06 (MW-13-01)	5.5	3/6/2013	3/14/2013	140	610	1,000	3,400	<50	5,200	1,400	<250	2,800
SB-13-06 (MW-13-01)	7.5	3/6/2013	3/14/2013	160	200	3,500	19,900	<70	14,000	4,200	4,300	5,200
SB-13-06 (MW-13-01)	14.0	3/6/2013	3/14/2013	<70	<70	<70	<210	<70	80	<70	<350	<350
SB-13-07 (MW-13-02)	4.5	3/6/2013	3/14/2013	14,000	140,000	45,000	245,000	<2,300	100,000	30,000	16,000	12,000
SB-13-07 (MW-13-02)	6.5	3/6/2013	3/14/2013	340,000	2,400,000	690,000	3,700,000	<11,000	1,500,000	470,000	220,000	230,000
SB-13-07 (MW-13-02)	15.0	3/6/2013	3/15/2013	<67	70	<67	<197	<67	<67	<67	<330	<300
SB-13-08 (MW-13-03)	4.5	3/6/2013	3/15/2013	100	1,000	150	800	<50	190	61	<250	<250
SB-13-08 (MW-13-03)	7.5	3/6/2013	3/15/2013	<69	<69	<69	<209	<69	<69	<69	<340	<340
SB-13-08 (MW-13-03)	14.0	3/6/2013	3/15/2013	<67	<67	<67	<197	<67	<67	<67	<330	<330
SB/MW-1	7.0	10/22/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-2	8.5	10/22/2015	10/28/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-2	10.0	10/22/2015	10/28/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-3	7.0	10/23/2015	10/28/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-3	9.5	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-4	8.0	10/23/2015	10/29/2015	1,500	<200	21,000	3,510	<1,000	40,000	8,700	20,000	<1,000
SB/MW-4	9.5	10/23/2015	10/29/2015	4,400	96	4,100	12,240	<250	<50	<50	<250	<250
SB/MW-5	6.0	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-5	9.0	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250

TABLE 1
SOIL ANALYTICAL RESULTS - Unleaded Gasoline Parameters

Lucky Mini Mart
19331 West Seven Mile Road
Detroit, Michigan 48219

SAMPLE LOCATION	SAMPLE DEPTH (feet)	SAMPLE DATE	ANALYSIS DATE	Benzene (l)	Toluene (l)	Ethylbenzene (l)	Xylenes (l)	Methyl-tert-butyl-ether	1,2,4-Trimethyl benzene(l)	1,3,5-Trimethyl benzene(l)	Naphthalene	2-Methyl naphthalene
				(micrograms per kilogram)								
SB/MW-6	6.5	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-6	9.0	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-7	7.0	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-7	9.0	10/23/2015	10/29/2015	<50	<50	<50	<150	<250	<50	<50	<250	<250
SB/MW-8	7.0	10/23/2015	10/29/2015	3,400	9,700	9,100	34,700	<1,000	57,000	19,000	12,000	4,700
SB/MW-8	9.5	10/23/2015	10/29/2015	12,000	160	<50	<150	970	<50	<50	<250	<250
Analytical Method				8260B	8260B	8260B	8260B	8260B	8260B	8260B	8260B	8260B
MDEQ Target Detection Limit				50	100	50	150	100	100	100	330	330
Residential Drinking Water Protection RBSL				100	16,000	1,500	5,600	800	2,100	1,800	35,000	57,000
Non-Residential Drinking Water Protection RBSL				100	16,000	1,500	5,600	800	2,100	1,800	1.0E+05	1.7E+05
Groundwater/Surface Water Interface Protection RBSL				4,000 (X)	5,400	360	820	1.4E+05 (X)	570	1,100	730	4,200
Residential Soil Volatilization to Indoor Air Inhalation RBSL				1,600	3.3E+05 (C)	87,000	6.3E+06 (C)	9.9E+06 (C)	4.3E+06 (C)	2.6E+06 (C)	2.5E+05	2.7E+06
Non-Residential Soil Volatilization to Indoor Air Inhalation RBSL				8,400	6.1E+05 (C)	4.6E+05 (C)	1.2E+07 (C)	1.8E+07 (C)	8.0E+06 (C)	4.8E+06 (C)	4.7E+05	4.9E+06
Residential Infinite Source Volatile Soil Inhalation RBSL (Y) (C)				13,000	2.8E+06	7.2E+05	4.6E+07	2.5E+07	2.1E+07	1.6E+07	3.0E+05	1.5E+06
Non-Residential Infinite Source Volatile Soil Inhalation RBSL (Y) (C)				45,000	3.3E+06	2.4E+06	5.4E+07	3.0E+07	2.5E+07	1.9E+07	3.5E+05	1.8E+06
Residential Finite VSIC for 5 meter Source Thickness RBSL (Y) (C)				34,000	5.1E+06	1.0E+06	6.1E+07	3.9E+07	5.0E+08	3.8E+08	3.0E+05	1.5E+06
Non-Residential Finite VSIC for 5 meter Source Thickness RBSL (Y) (C)				99,000	3.6E+07	3.1E+06	6.5E+07	4.1E+07	6.0E+08	4.6E+08	3.5E+05	1.8E+06
Residential Finite VSIC for 2 meter Source Thickness RBSL (Y) (C)				79,000	1.2E+07	2.2E+06	1.3E+08	8.7E+07	5.0E+08	3.8E+08	3.0E+05	1.5E+06
Non-Residential Finite VSIC for 2 meter Source Thickness RBSL (Y) (C)				2.3E+05	3.6E+07	6.5E+06	1.3E+08	8.9E+07	6.0E+08	4.6E+08	3.5E+05	1.8E+06
Residential Particulate Soil Inhalation RBSL (Y) (C)				3.8E+08	2.7E+10	1.0E+10	2.9E+11	2.0E+11	8.2E+10	8.2E+10	2.0E+08	6.7E+08
Non-Residential Particulate Soil Inhalation RBSL (Y) (C)				4.7E+08	1.2E+10	1.3E+10	1.3E+11	8.8E+10	3.6E+10	3.6E+10	8.8E+07	2.9E+08
Residential Direct Contact RBSL				1.8E+05	5.0E+07 (C)	2.2E+07 (C)	4.1E+08 (C, D)	1.5E+06	3.2E+07 (C)	3.2E+07 (C)	1.6E+07	8.1E+06
Non-Residential Direct Contact RBSL				8.4E+05 (C)	1.6E+08 (C)	7.1E+07 (C)	1.0E+09 (C)	7.1E+06	1.0E+08 (C)	1.0E+08 (C)	5.2E+07	2.6E+07
Soil Saturation Concentration Screening Levels (C _{sat})				4.0E+05	2.5E+05	1.4E+05	1.5E+05	5.9E+06	1.1E+05	94,000	NA	NA

Footnotes:

< - Denotes result less than method detection limit indicated.

NA - Not analyzed

C - The criterion developed under R299.1 to R299.26 exceeds the chemical-specific soil saturation screening level (C_{sat}). The person proposing or implementing response activity shall document whether additional response activity shall document whether additional response activity is required to control free-phase liquids or NAPL to protect against risks associated with free-phase liquids by using methods appropriate for free-phase liquids present. Development of a site-specific C_{sat} or methods presented in R299.22, R299.24(5), and R299.26(8) may be conducted for the relevant exposure pathways.

D - Calculated criterion exceeds 100 percent, hence it is reduced to 100 percent or 1.0E+09 parts per billion (ppb)

I - Hazardous substance may exhibit the characteristic of ignitability as defined in 40 C.F.R. §261.21 (revised as of July 1, 2001), which is adopted by reference in these rules and is available for inspection at the DEQ, 525 West Allegan Street, Lansing, Michigan.

X - The GSI criterion shown in the generic cleanup criteria tables is not protective for surface water that is used as a drinking water source. See footnote of MDEQ Op. Memo. #1, Att. 1 or Rule 299.49 for additional information.

Y - Source size modifiers shown in the MDEQ footnote table shall be used to determine soil inhalation criteria for ambient air when the source size is not one-half acre. The modifier shall be multiplied by the generic soil inhalation criteria shown in the table of generic cleanup criteria to determine the applicable criterion.

EXHIBIT D
EGLE Investigation Results

Mi Dept. of Environment, Great Lakes, and Energy	Client	EGLE-RRD-SE MICHIGAN										
Analytical Testing Report	Attention	Ari McKeever										
Work Order: 2204076	Project Name	LUCKY MINI MART										
Report Date: 4/22/2022 8:08:57 AM	Project Number	00014228										
<i>Note: This is not the original data. Please refer to PDF / Hardcopy report.</i>												
General Method	Analyte	Units	RDL	SSTL-PCV	SSTL_PCV							
LAB ID				Residential	Nonresidential	2204076-01	2204076-02	2204076-03	2204076-04	2204076-05	2204076-06	2204076-07
CLIENT ID						SD-1	SD-2	SD-3	SD-4	SD-5	SD-6	SD-7
DATE SAMPLED						14-Apr-22	14-Apr-22	14-Apr-22	14-Apr-22	14-Apr-22	14-Apr-22	14-Apr-22
DATE RECEIVED						15-Apr-22	15-Apr-22	15-Apr-22	15-Apr-22	15-Apr-22	15-Apr-22	15-Apr-22
MATRIX						Air	Air	Air	Air	Air	Air	Air
Organics-Volatiles	Dichlorodifluoromethane	ug/m3	1.2	NV	NV	2.5	<240	<6.1	2.7	2.7	2.4	2.6
Organics-Volatiles	Chloromethane	ug/m3	0.51	NV	NV	<0.51	<100	<2.5	0.78	0.52	<0.51	1.7
Organics-Volatiles	1,3-Butadiene	ug/m3	0.54	NV	NV	<0.54	<110	<2.7	<0.54	<0.54	<0.54	<0.54
Organics-Volatiles	Vinyl chloride	ug/m3	0.63	NV	NV	13	<130	<3.1	1.7	1.6	<0.63	4.9
Organics-Volatiles	Bromomethane	ug/m3	0.95	NV	NV	<0.95	<190	<4.8	<0.95	<0.95	<0.95	13
Organics-Volatiles	Chloroethane	ug/m3	0.65	NV	NV	<0.65	<130	<3.2	1.1	0.96	<0.65	<0.65
Organics-Volatiles	Acetonitrile	ug/m3	1.5	NV	NV	<1.5	<300	<7.4	<1.5	<1.5	<1.5	<1.5
Organics-Volatiles	Trichlorofluoromethane	ug/m3	1.4	NV	NV	<1.4	<280	<6.9	<1.4	1.4	<1.4	<1.4
Organics-Volatiles	Acrylonitrile	ug/m3	0.96	NV	NV	<0.96	<190	<4.8	<0.96	<0.96	<0.96	<0.96
Organics-Volatiles	1,1-Dichloroethylene	ug/m3	0.97	NV	NV	<0.97	<190	<4.9	<0.97	<0.97	<0.97	<0.97
Organics-Volatiles	Methylene chloride	ug/m3	1	NV	NV	<1.0	<200	<5.1	5.3	5.9	2.4	1.7
Organics-Volatiles	trans-1,2-Dichloroethylene	ug/m3	0.97	NV	NV	1.1	<190	<4.9	<0.97	<0.97	<0.97	<0.97
Organics-Volatiles	1,1-Dichloroethane	ug/m3	0.99	16	37	<0.99	<200	<5.0	<0.99	<0.99	<0.99	<0.99
Organics-Volatiles	Methyltertiarybutylether	ug/m3	1.6	98	230	6	<320	<8.0	<1.6	<1.6	<1.6	<1.6
Organics-Volatiles	2-Butanone (MEK)	ug/m3	14	NV	NV	<14	<2800	<71	<14	<14	<14	<14
Organics-Volatiles	cis-1,2-Dichloroethylene	ug/m3	0.97	NV	NV	46	<190	<4.9	4.2	1.6	<0.97	19
Organics-Volatiles	Hexane	ug/m3	16	730	1,100	<3.1	23000	82	<3.1	4.9	<3.1	<3.1
Organics-Volatiles	Chloroform	ug/m3	1.2	NV	NV	39	<240	180	210	210	71	17
Organics-Volatiles	1,2-Dichloroethane	ug/m3	0.95	0.98	2.3	<0.95	<190	<4.8	<0.95	<0.95	<0.95	<0.95
Organics-Volatiles	1,1,1-Trichloroethane	ug/m3	1.3	NV	NV	<1.3	<270	<6.7	<1.3	<1.3	<1.3	<1.3
Organics-Volatiles	Benzene	ug/m3	0.78	3.3	7.7	42	12000	370	31	4.7	<0.78	1.4
Organics-Volatiles	Carbon tetrachloride	ug/m3	1.5	NV	NV	<1.5	<310	<7.7	<1.5	<1.5	<1.5	<1.5
Organics-Volatiles	Cyclohexane	ug/m3	0.84	6,300	9,200	1.3	3600	27	2.4	3.5	<0.84	<0.84
Organics-Volatiles	1,2-Dichloropropane	ug/m3	1.1	NV	NV	<1.1	<230	<5.7	<1.1	<1.1	<1.1	<1.1
Organics-Volatiles	Bromodichloromethane	ug/m3	1.6	NV	NV	20	<330	56	48	65	29	5
Organics-Volatiles	Trichloroethylene	ug/m3	1.3	NV	NV	20	<260	<6.6	3.1	2.4	<1.3	3.2
Organics-Volatiles	2,2,4-Trimethylpentane	ug/m3	1.1	3,700	5,500	14	100000	650	9.7	17	<1.1	9.9
Organics-Volatiles	cis-1,3-Dichloropropylene	ug/m3	1.1	NV	NV	<1.1	<220	<5.6	<1.1	<1.1	<1.1	<1.1
Organics-Volatiles	4-Methyl-2-pentanone (MIBK)	ug/m3	18	NV	NV	<3.6	<720	<18	<3.6	<3.6	<3.6	<3.6
Organics-Volatiles	trans-1,3-Dichloropropylene	ug/m3	1.1	NV	NV	<1.1	<220	<5.6	<1.1	<1.1	<1.1	<1.1
Organics-Volatiles	1,1,2-Trichloroethane	ug/m3	1.3	NV	NV	<1.3	<270	<6.7	<1.3	<1.3	<1.3	<1.3
Organics-Volatiles	Toluene	ug/m3	0.92	5,200	7,500	5.3	500	48	34	14	5.4	12

Organics-Volatiles	Dibromochloromethane	ug/m3	10	NV	NV	4.6	<420	<10	12	16	7.2	<2.1
Organics-Volatiles	1,2-Dibromoethane	ug/m3	1.9	NV	NV	<1.9	<380	<9.4	<1.9	<1.9	<1.9	<1.9
Organics-Volatiles	Tetrachloroethylene	ug/m3	1.7	NV	NV	140	<330	19	20	20	16	15
Organics-Volatiles	Chlorobenzene	ug/m3	1.1	NV	NV	<1.1	<230	<5.6	<1.1	<1.1	<1.1	<1.1
Organics-Volatiles	Ethylbenzene	ug/m3	1.1	10	24	2.7	1500	180	21	5.5	2.9	2.1
Organics-Volatiles	m & p - Xylene	ug/m3	1.1	230	340	11	4100	580	67	16	13	9
Organics-Volatiles	Bromoform	ug/m3	13	NV	NV	<2.5	<510	<13	<2.5	<2.5	<2.5	<2.5
Organics-Volatiles	Styrene	ug/m3	1	45	100	<1.0	<210	<5.2	<1.0	<1.0	<1.0	<1.0
Organics-Volatiles	1,1,2,2-Tetrachloroethane	ug/m3	1.7	NV	NV	<1.7	<340	<8.4	<1.7	<1.7	<1.7	<1.7
Organics-Volatiles	o-Xylene	ug/m3	1.1	230	340	5.5	920	180	23	5.1	6.5	4.4
Organics-Volatiles	1,2,3-Trichloropropane	ug/m3	1.5	NV	NV	<1.5	<300	<7.4	<1.5	<1.5	<1.5	<1.5
Organics-Volatiles	Isopropylbenzene	ug/m3	1.2	2.4	5.7	<1.2	<240	12	1.3	<1.2	<1.2	<1.2
Organics-Volatiles	n-Propylbenzene	ug/m3	1.2	1,000	1,000	2.1	<240	36	4	2.1	3.5	1.3
Organics-Volatiles	1,3,5-Trimethylbenzene	ug/m3	1.2	63	92	2.6	<240	79	7.4	3.3	4.4	1.6
Organics-Volatiles	1,2,4-Trimethylbenzene	ug/m3	1.2	63	92	9.4	<240	150	21	9.4	15	6.1
Organics-Volatiles	1,3-Dichlorobenzene	ug/m3	1.5	NV	NV	<1.5	<290	<7.4	<1.5	<1.5	<1.5	<1.5
Organics-Volatiles	1,4-Dichlorobenzene	ug/m3	1.5	NV	NV	<1.5	<290	<7.4	<1.5	<1.5	<1.5	<1.5
Organics-Volatiles	sec-Butylbenzene	ug/m3	1.3	0.42	0.61	<1.3	<270	<6.7	<1.3	<1.3	<1.3	<1.3
Organics-Volatiles	1,2,3-Trimethylbenzene	ug/m3	1.2	NV	NV	2.3	<240	41	5.7	2.2	2.8	1.5
Organics-Volatiles	1,2-Dichlorobenzene	ug/m3	1.5	NV	NV	<1.5	<290	<7.4	<1.5	<1.5	<1.5	<1.5
Organics-Volatiles	n-Butylbenzene	ug/m3	1000	0.42	0.61	<5.1	<1000	<26	<5.1	<5.1	<5.1	<5.1
Organics-Volatiles	1,2,4-Trichlorobenzene	ug/m3	18	NV	NV	<3.6	<730	<18	<3.6	<3.6	<3.6	<3.6
Organics-Volatiles	Naphthalene	ug/m3	130	0.75	1.8	<25	<5000	<130	<25	<25	<25	<25
Organics-Volatiles	1,2,3-Trichlorobenzene	ug/m3	1400	NV	NV	<6.9	<1400	<35	<6.9	<6.9	<6.9	<6.9
Organics-Volatiles	2-Methylnaphthalene	ug/m3	140	10	15	<28	<5600	<140	<28	<28	<28	<28
Notes												
SSTL Perferential Conduit Vapor generated by EGLE tox group on December 17, 2021												
NV=No Value from Tox Group												