

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

In the Matter of:

J.L. Blue Ribbon Dry Cleaners, LLC
411 South James Street
Ludington, Mason County, Michigan 49431

EGL E Docket No. AO-RRD-24-001

Respondent

Issued pursuant to Section 20119 of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.20119.

ADMINISTRATIVE ORDER FOR RESPONSE ACTIVITY

ADMINISTRATIVE ORDER FOR RESPONSE ACTIVITY INDEX

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I. JURISDICTION

1.1 This Administrative Order (Order) is issued pursuant to the authority vested in the Michigan Department of Environment, Great Lakes, and Energy (EGLE) by Section 20119 of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.20119.

II. PARTIES BOUND

2.1 This Order shall apply to and be binding upon J.L. Blue Ribbon Dry Cleaners, LLC (Respondent) and its successors. No change in ownership or corporate status shall in any way alter Respondent's responsibilities under this Order. To the extent applicable, Respondent shall comply with the requirements of Section 20116 of Part 201, MCL 324.20116.

2.2 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 "Day" means a calendar day, unless otherwise specified in this Order.

3.2 "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.

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

3.4 “Facility” means the Property and any area, place, parcel or parcels of property, or a portion of a parcel of property where hazardous substance originating from the Property in excess of the concentrations that satisfy the cleanup criteria for unrestricted residential use, has been released, deposited, disposed of, or otherwise comes to be located.

3.5 “Hazardous Waste” means waste or a combination of waste and other discarded material including solid, liquid, semisolid, or contained gaseous material that because of its quantity, quality, concentration, or physical, chemical, or infectious characteristics may cause or significantly contribute to an increase in mortality or an increase in serious irreversible illness or serious incapacitating but reversible illness, or may pose a substantial present or potential hazard to human health or the environment if improperly treated, stored, transported, disposed of, or otherwise managed. Hazardous waste does not include material that is solid or dissolved material in domestic sewage discharge, solid or dissolved material in an irrigation return flow discharge, industrial discharge that is a point source subject to permits under Section 402 of Title IV of the federal water pollution control act, chapter 758, 86 Stat. 880, 33 U.S.C. 1342, or is a source, special nuclear, or by-product material as defined by the atomic energy act of 1954, chapter 1073, 68 Stat. 919.

3.6 “Interim Response Activity” means the cleanup or removal of a released hazardous substance or the taking of other actions, prior to the implementation of a remedial action, as may be necessary to prevent, minimize, or mitigate injury to the public health, safety, or welfare, or to the environment. Interim Response Activity also includes, but is not limited to, measures to limit access, replacement of water supplies, and temporary relocation of people as determined to be necessary by EGLE.

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

3.8 “Order” means this Administrative Order, No. AO-RRD-24-001, issued to Respondent to perform response activities relating to the Facility.

3.9 “Part 201” means Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.20101 *et seq.*, and the Part 201 Administrative Rules promulgated thereunder.

3.10 “Parties” means Respondent and EGLE.

3.11 “Property” means the real estate property located at 411 South James Street, Ludington, Mason County, Michigan 49431, legally described in Exhibit A.

3.12 “Response Activity” or “Response Activities” means evaluation, interim response activity, remedial action, demolition, or the taking of other actions necessary to protect the public health, safety, or welfare, or the environment.

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

3.14 “State” or “State of Michigan” means EGLE and MDAG, and any authorized representatives acting on their behalf.

3.15 Unless otherwise stated herein, all terms used in this Order, which are defined in Part 3, Definitions, of the NREPA, MCL 324.301, Part 111, Hazardous Waste Management, of the NREPA, MCL 324.11103, Part 121, Liquid Industrial By-Products, MCL 324.12101, of the NREPA, or Part 201, MCL 324.20101, shall have the same meaning in this document as in Part 3, Part 111, Part 121, and Part 201.

IV. FINDINGS OF FACT AND DETERMINATIONS

4.1 The Property is located downtown Ludington adjacent to several commercial and governmental buildings. Respondent currently owns the Property and operated the dry-cleaning business that involved the usage and storage of tetrachloroethylene (PCE) on the Property from 2002 until 2019. EGLE RRD does not have any records indicating that dry-cleaning operations using PCE were conducted on the Property prior to Respondent's acquisition.

4.2 EGLE Inspection Reports for the Property indicate hazardous waste storage areas did not have secondary containment and PCE-impacted wastewater was emptied into the sewer system from 2014 to 2018. These Inspection Reports also noted that Respondent did not inspect components of the machines used for the dry-cleaning operations for leaks on a weekly or monthly basis.

4.3 A Brownfield Site Assessment was conducted in April 2022, for the Property. As a part of the Brownfield Site Assessment, groundwater, soil, and soil vapor samples were collected on the Property. Analysis of the groundwater samples revealed PCE in 3 monitoring wells, with concentrations exceeding the drinking water criteria (5 ppb) in 2 monitoring wells, and the highest concentration being 22 ppb, over 4 times the drinking water criteria, in a monitoring well located near the western edge of the Property in the parking lot. Analysis of the soil samples revealed PCE in 5 borings, with concentrations exceeding drinking water protection criteria in 2 borings and exceeding the soil volatilization to indoor air inhalation criteria (SVIIC) of 11,000 ppb at a concentration of 97,000 ppb, over 8 times the SVIIC, in a boring located directly outside of the on-site garage to the north. Analysis of soil vapor samples revealed PCE in all 5 vapor points, with the highest concentration being 71,000 micrograms per cubic meter (ug/m³) which exceeds the Time-sensitive Media-Specific Volatilization to Indoor Air Interim Action Screening Levels (TS MSSL, 1400 ug/m³) at a vapor point located

inside the garage.¹ High concentrations of PCE in soil vapors can volatilize from soil through floors into the indoor air of structures, as well as migrating laterally to threaten other nearby structures. Photographs taken during the Brownfield Site Assessment show a crack in the flooring where the dry-cleaning machines are located, at least two hazardous waste drums containing PCE, and other containers with unknown contents.

4.4 Following the results of the Brownfield Site Assessment, EGLE sent compliance communications to Respondent on June 1, 2022, and July 15, 2022, informing Respondent of its potential responsibilities under Sections 20107a and 20114 of Part 201, MCL 324.20107a and MCL 324.20114. Respondent has not replied to either compliance communication; however, both compliance communications were confirmed to have been received by Respondent.

4.5 On September 21, 2022, EGLE sent a violation notice to Respondent requesting that Respondent provide to EGLE a written commitment to comply with Part 201 by October 17, 2022. Respondent has not replied or provided to EGLE a written commitment as requested. The violation notice was confirmed to have been received by Respondent.

4.6 In March 2023, the EGLE Geological Services Section installed 5 vapor points on and off the Property and 3 monitoring wells on the Property to evaluate risk to off-site receptors. Analysis of the groundwater samples revealed PCE in all 3 monitoring wells, with concentrations exceeding drinking water criteria (5 ppb) in 2 wells, and the highest concentration being 44 ppb, almost 9 times the drinking water criteria, in a monitoring well located near the western edge of the Property in the parking lot. Analysis of soil vapor samples revealed PCE in all 5 vapor points, with the highest concentration being 770 ppb at a vapor point located off the Property to the west on South James Street.

¹ The TS MSSSL is intended to assist with risk evaluation by 1) determining if potentially unsafe levels of chemicals are present in environmental media; 2) determining whether interim action to reduce potential exposure is needed; and 3) if interim action is needed, assist in determining how quickly those actions should be completed.

4.7 On October 31, 2023, EGLE sent a second violation notice to Respondent requesting that Respondent provide to EGLE either a written commitment to comply with Part 201 or financial information and documentation required for a financial valuation by EGLE by November 21, 2023. Respondent has not replied or provided to EGLE a written commitment as requested. The second violation notice was confirmed to have been received by Respondent.

4.8 EGLE requested the United States Environmental Protection Agency's (EPA) assistance with removing the hazardous waste drums and containers in December 2022. The EPA accepted EGLE's request, but informed EGLE in a meeting dated January 18, 2024, that the EPA will send notice to Respondent and provide for the opportunity for Respondent to conduct the work prior to the EPA assisting in the removal of the hazardous waste drums and containers.

4.9 The building on the Property is in poor condition with areas of collapsed ceiling and wood flooring and water damage present. Respondent has not conducted any Response Activities to address the Facility and Respondent is currently trying to sell the Property. EGLE has not conducted any additional response activities since March 2023.

4.10 The EPA, the United States Department of Health and Human Services Agency for Toxic Substances and Disease Registry, and the International Agency for Research on Cancer, consider PCE to be likely carcinogenic to humans through all routes of exposure, with primary effects to the central nervous system, kidney, liver, and reproductive system. Available data provides suggestive evidence for PCE-induced bladder cancer, multiple myeloma, and non-Hodgkin's lymphoma in humans.

4.11 The presence of PCE in soil and groundwater exceeding criteria for unrestricted residential use on and off of the Property, and the storage of hazardous waste drums and containers with unknown contents without secondary containment and in a building showing signs of structural impairment that is located in a high density

commercial area, poses an imminent and substantial endangerment to the public health, safety, welfare, or the environment within the meaning of Section 20119 of Part 201, MCL 324.20119.

4.12 Exhibit B is an affidavit from the City of Ludington regarding its concern of imminent risk to employees of the City of Ludington resulting from the Facility. Ludington City Hall is located directly east of the Property and has about 12 full time employees regularly occupying the building. These employees consist of the City Manager, Treasurer, Clerk, Community Development and Administrative Support Staff, Police Officers, Chief of Police, Police Captain, and Police Support Staff. As mentioned in Paragraph 4.3 of this Order, the highest detections of PCE in soil vapor were detected in the garage of the dry-cleaning building located on the Property. The garage comprises the eastern part of the dry-cleaning building and is within 100 feet of the City of Ludington Town Hall. Given the structural impairment of the dry-cleaning building, the storage of hazardous waste drums within the dry-cleaning building, and the high concentrations of PCE in soil, there is concern that the PCE in soil vapor may migrate laterally toward the City of Ludington Town Hall.

4.13 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 hazardous substances from the Facility, it is necessary and appropriate that Response Activities be performed. Section V (Order) of this Order specifies the Response Activities that must be performed by Respondent.

4.14 On the basis of these Findings of Fact, EGLE has determined that entry of this Order is necessary to expedite the performance of effective Response Activities to abate the imminent and substantial endangerment and that the issuance of this Order is in the public interest.

V. ORDER

Based upon Section IV (Findings of Fact and Determinations), Respondent is hereby ordered to perform the Response Activities set forth in this Order. All Response Activities performed pursuant to this Order shall comply with the requirements of Part 201 and all other state and federal laws.

5.1 Performance Objectives. The performance objectives of this Order are:

- a. Make an accurate waste determination and arrange for the legal transport and disposal of all hazardous waste and liquid industrial by-product containers located on the Property.
- b. As necessary, perform Interim Response Activities to prevent, minimize, or mitigate injury to public health, safety, or welfare, or to the environment.

5.2 Characterization, removal, and disposal of hazardous waste containers and liquid industrial by-product. Respondent shall immediately provide for the following actions to be completed:

- a. Secure all containers of waste located on the Property. Containers must be structurally sound and free of leaks and openings, labeled, inspected, and stored with required aisle space, compatibility, and in a manner to prevent exposure to weather and prevent releases to the ground surface, groundwater, or surface water in compliance with R 299.9306, R 299.9810(4), MCL 324.12103(1)(b), and MCL 324.12113;
- b. Make an accurate waste determination for all wastes on the Property in accordance with R 299.9302 and MCL 324.12103(1)(a);

c. For all hazardous waste identified at the Property, make arrangements for and comply with the manifesting, pre-transport, transport, and disposal requirements provided in R 299.9306, R 299.9308, R 299.9309, and MCL 324.11138. Loads of hazardous waste must be shipped using a uniform hazardous waste manifest and must be transported only by a transporter permitted under the hazardous materials transportation act to a licensed hazardous waste treatment, storage, or disposal facility. All manifests and records supporting waste determination must be retained for a minimum of three (3) years in compliance with R 299.9311; and

d. For all liquid industrial by-products identified at the Property, comply with the shipping, disposal, and record keeping requirements of MCL 324.12103. Liquid industrial by-products shall be shipped to a designated facility, as defined in MCL 324.12101(f). All loads of liquid industrial by-products shall be shipped using a shipping document as required by MCL 324.12103(1)(d-f). All shipping documents and records supporting waste determination must be retained for a minimum of three (3) years in compliance with MCL 324.12103(3).

5.3 Characterization, Removal, and Disposal Achievement Report. Within sixty (60) days after the Effective Date of this Order, or within thirty (30) days after Respondent's indication to EGLE of its intent to comply with this Order as required under Paragraph 15.1 of this Order, whichever date is sooner, Respondent shall submit to EGLE a Characterization, Removal, and Disposal Achievement Report that includes confirmation that activities required by Paragraph 5.2 of this Order have been completed and information detailing the steps taken during the characterization, removal, and disposal of the hazardous waste containers and liquid industrial by-products. If Respondent determines that the Characterization, Removal, and Disposal Achievement Report is unable to be submitted by the deadline specified in this Paragraph, Respondent shall immediately provide written notification to EGLE that contains information on what activities have been conducted, reasonable explanation for anticipated delay and supporting documentation, and a request for EGLE to modify

this Order to extend the submittal deadline of the Characterization, Removal, and Disposal Achievement Report. Respondent's written notification under this Paragraph does not relieve Respondent from performing any requirements of this Order. If EGLE determines that there is not sufficient cause for Respondent's delay in submitting the Characterization, Removal, and Disposal Achievement Report, EGLE will not modify this Order to extend the submittal deadline of the Characterization, Removal, and Disposal Achievement Report and Respondent may be subject to the penalties identified in Section XII (Penalties for Non-Compliance/Work Takeover) of this Order.

VI. EMERGENCY RESPONSE

6.1 If at any time hazardous waste or liquid industrial by-products are still present on the Property and the structural integrity of the main building on the Property causes or threatens injury to public health, safety or welfare, or to the environment, then Respondent shall immediately notify EGLE and the City of Ludington Building Department.

VII. PROJECT MANAGERS AND COMMUNICATION/NOTICES

7.1 Within 30 days after the Effective Date of this Order, Respondent shall (1) designate a Project Manager who shall have primary responsibility for overseeing the performance of the Response Activities at the Facility and other requirements specified in this Order for Respondent, and (2) provide contact information for the Project Manager to the EGLE Project Manager, Sienna Cartwright, who can be contacted as follows:

Sienna Cartwright, Project Manager
Cadillac District Office Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
120 West Chapin Street, Cadillac, Michigan 49601
Phone: 231-429-1395
E-mail Address: CartwrightS2@Michigan.gov

7.2 The EGLE Project Manager will be the primary designated representative for EGLE for the Facility, unless otherwise directed. Unless otherwise specified by this Order, whenever notices or reports are required to be given, 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 the EGLE Project Manager at the address listed above in Paragraph 7.1 of this Order. 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.

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

7.4 Section VII (Project Managers and Communication/Notices) of this Order does not relieve Respondent from other reporting obligations under applicable state and federal laws and regulations.

VIII. ACCESS

8.1 Upon the Effective Date of this Order, Respondent shall allow EGLE and its authorized employees, agents, representatives, contractors, and consultants to enter the Facility and associated properties at all reasonable times to the extent access to the Facility and 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 Facility, EGLE staff and its authorized employees, agents, representatives, contractors, and consultants shall be allowed to enter the Facility and associated properties, to the extent that the properties are 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 Facility including, but not limited to, the following:

- a. Monitoring Response Activities or any other activities taking place pursuant to this Order at the Facility;
- b. Verifying any data or information submitted to EGLE;
- c. Assessing the need for, or planning, or conducting investigations relating to the Facility;
- d. Obtaining samples;
- e. Assessing the need for, or planning, or conducting Response Activities at or near the Facility;
- f. Assessing compliance with requirements for the performance of monitoring, operation, and maintenance, or other measures necessary to assure the effectiveness and integrity of the Response Activities;
- g. Inspecting and copying non-privileged records, operating logs, contracts, or other documents;
- h. Determining whether the Facility or other property is being used in a manner that is or may need to be prohibited or restricted pursuant to this Order; and
- i. Assuring the protection of public health, safety, or welfare, or the environment.

8.2 To the extent that the Facility, or any other associated properties where the Response Activities are to be performed by Respondent under this Order, is owned, or controlled by persons other than Respondent, Respondent shall use 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 30 days 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 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 Response Activities for which the access is needed. Any delay in obtaining access shall not be an excuse for delaying the performance of Response Activities.

8.3 Any lease, purchase, contract, or other agreement entered into by Respondent that transfers to another person a right of control over the Facility, or a portion of the Facility shall contain a provision preserving for EGLE or any other person undertaking Response Activities, and their authorized representatives, the access required under this Section.

8.4 Any person granted access to the Facility pursuant to this Order shall comply with all applicable health and safety laws and regulations.

8.5 Notwithstanding any provision of this Order, EGLE shall retain all of its information gathering, inspection, enforcement, and access authorities under Part 201 and any applicable statute or regulation.

IX. COMPLIANCE WITH OTHER LAWS

9.1 All actions required to be taken pursuant to this Order shall be undertaken in accordance with the requirements of all applicable or relevant state and federal laws and regulations including, but not limited to, Part 3, Part 111, Part 121, and Part 201 and 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.

X. RECORD RETENTION/ACCESS TO INFORMATION

10.1 Respondent and its representatives, consultants, and contractors shall preserve and retain, during the pendency of this Order and for a period of three (3) years after its termination, all records relating to Respondent's performance of the Response Activities required by this Order or that are maintained or generated pursuant to any requirement of this Order. After the three (3) year period of document retention, Respondent and its successors shall obtain EGLE's written permission prior to the destruction of such documents and, upon request, Respondent and/or its successors shall relinquish custody of all documents to EGLE. Respondent's request shall be accompanied by a copy of this Order and sent to the following address:

Director
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes, and Energy
P.O. Box 30473
Lansing, Michigan 48909

10.2 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 implementation of this Order,

including, but not limited to, sampling, analysis, chain of custody records, 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.

10.3 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.

XI. AMENDMENTS

11.1 This Order may only be amended in writing by signature of the Director of EGLE or his or her authorized representative.

XII. PENALTIES FOR NON-COMPLIANCE/WORK TAKEOVER

12.1 Pursuant to Sections 20119(4) and 20137(1) of Part 201, MCL 324.20119(4) and MCL 324.20137(1), Respondent is advised that if, without sufficient cause, Respondent commits any violation, or fails or refuses to comply with any provision of this Order, or any portion thereof, 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 three (3) times the amount of any costs incurred by the State of Michigan as a result of Respondent's failure to comply with this Order as provided in Section 20119(4) of Part 201, MCL 324.20119(4).

XIII. DISCLAIMERS

13.1 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 representatives, or contractors 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 representatives, or contractors 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 Response Activities in addition to those detailed in this Order. In addition, EGLE reserves the right to undertake Response Activities at any time and to perform any and all portions of the Response Activities required by this Order that Respondent has failed or refused to perform properly or promptly. EGLE, in cooperation with MDAG, reserves any and all rights to take any enforcement action pursuant to Part 201, or any other available legal authority, including the right to seek injunctive relief, monetary costs, damages, 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 hazardous substances, pollutants, contaminants, or hazardous wastes on, at, or from the Facility.

XV. RESPONDENT'S INTENT TO COMPLY WITH THIS ORDER

15.1 In accordance with Section 20119(3) of Part 201, MCL 324.20119(3), Respondent is advised that within 30 days after 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

16.1 Respondent may 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, by e-mailing or otherwise notifying the EGLE Project Manager in writing within seven (7) days after receipt of this Order. If Respondent requests a conference, such conference shall be held either Monday June 3, 2024, from 1:00 p.m. to 3:00 p.m. or Friday June 7, from 1:00 p.m. to 3:00 p.m. Respondent may

submit materials for EGLE's consideration prior to a conference held pursuant to this Paragraph. Any conference held pursuant to Respondent's request will be held remotely and Respondent may appear on its own behalf 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

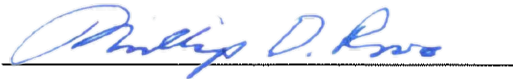
17.1 The provisions of this Order shall be severable, and should any provision be declared by a court of competent jurisdiction to be inconsistent with state law, and therefore unenforceable, the remaining provisions of this Order shall remain in full force and effect.

XVIII. TERMINATION

18.1 After completion of all actions required under Section V (Order) of this Order, Respondent may provide a written request for termination of this Order to the EGLE Director. All requirements under this Order shall remain in full force and effect until Respondent receives a written notice of termination from the EGLE Director.

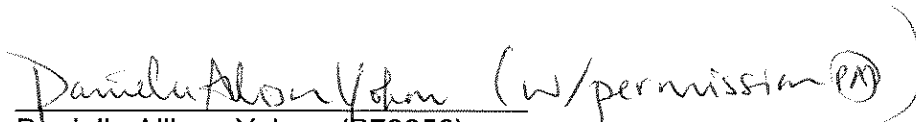
IT IS SO ORDERED.

Issued at Lansing, Michigan, this 17th day of May, 2024.



Phillip D. Roos, Director
Michigan Department of Environment, Great Lakes, and Energy

APPROVED AS TO FORM:



Danielle Allison-Yokom (P70950)
Assistant Attorney General
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

Date: May 15, 2024

EXHIBIT A

Property Legal Description

Property Legal Description

The South 70 feet of the West 50 feet of Lot 4, Block 60 and the South 46 feet of Lot 5, Block 60 of the original plat of the Village now City of Ludington, according to the recorded plat. Ludington City, Mason County, Michigan, together with an easement over and across the East 40 feet of the West 50 feet of the North 70 feet of Lot 4, Block 60 aforesaid, in common with the owner of said parcel, and subject to an easement for ingress and egress over and across the North $\frac{1}{2}$ of the South 46 feet of Lot 5 aforesaid, granted unto the owner of the South 49 feet of the North 94 feet of Lot 5 aforesaid.

EXHIBIT B

City of Ludington Affidavit

AFFIDAVIT OF

I, Mitchell Foster, being first duly sworn, state:

1. My name is Mitchell Foster.
2. I am employed as a [City Manager] with the City of Ludington. [*Education background optional, could add I received a Bachelors from _____ in ____.*]
3. My job duties include general administration
4. I make this affidavit on personal knowledge acquired during the course of my employment and, if called as a witness, could competently testify.
5. As a regular part of my duties, I am aware of employees of the City of Ludington whose principal place of work is at the Ludington Municipal Office Complex, also known as City Hall, located at 400 S. Harrison Street in downtown Ludington.
6. Those employees include the City Manager, Treasurer, Clerk, Community Development and Administrative Support Staff, Police Officers, Chief of Police, Police Captain, and Police Support Staff.
7. The Ludington Municipal Office Complex is on the same block as the former Blue Ribbon Cleaners property located at 411 South James Street, and the back of City Hall shares a lot line with the back of the Blue Ribbon Cleaners property.
8. The garage to the rear of the Blue Ribbon Cleaners is within 100 feet of the City of Ludington City Hall.
9. I am aware of the documented presence of hazardous substances in the form of dry-cleaning chemicals on the Blue Ribbon Cleaners property by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), as well as the United States

Environmental Protection Agency, and I am aware of the possibility that leaks or spills of those substances into the ground could migrate under the adjacent Ludington City Hall.

10. As the City Manager for the City of Ludington, I am concerned that the presence of hazardous chemicals at the Blue Ribbon Cleaners property adjacent to the Ludington City Hall, along with the known structural impairment of the Blue Ribbon Cleaners buildings, poses a risk to the City workers at Ludington City Hall from past or future leaks or spills that could migrate under the Ludington Municipal Office Complex and infiltrate the indoor spaces with harmful vapors.
11. The City of Ludington supports the efforts of EGLE to require the swift removal and proper disposal of hazardous wastes from the Blue Ribbon Cleaners property to protect City workers and visitors to City Hall.

Dated: May 13th, 2024

[Signature] City Manager
[Name, Title]

Subscribed and sworn to before me this
13 day of May, 2024.

Jackie Lynn Steckel
Jackie Lynn Steckel, Notary Public
My Commission Expires: 07-09-2025

Jackie Lynn Steckel
Notary Public - State of Michigan
County of Mason
My Commission Expires 07/09/2025