

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

Daniel H. Burnside Trust
510 Liberty Street
Spring Lake, Ottawa County, Michigan
MDEQ Facility ID No. 70000041

MDEQ Reference No. AOC-RRD-16-004

SETTLEMENT AGREEMENT
FOR PAYMENT OF COSTS

A. This Settlement Agreement for Payment of Costs (Agreement) is entered into voluntarily by and between the Michigan Department of Environmental Quality (MDEQ) and the Daniel H. Burnside Trust (Trust). All terms used in this Agreement, which are defined in Part 3, Definitions, and Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.301 *et seq.* and MCL 324.20101 *et seq.*, shall have the same meaning in this Agreement as in Parts 3 and 201 of the NREPA and the Part 201 Administrative Rules.

B. This Agreement concerns the settlement between the Trust and the MDEQ with regards to the MDEQ's claim for response activity costs relating to the release of hazardous substances at and emanating from a Facility formerly owned by Hubert Sub B Company located at 510 Liberty Street, Spring Lake, Ottawa County, Michigan.

C. The Trust made an offer to resolve all MDEQ's claims in a letter to Mr. Brian Negele, Department of Attorney General, dated July 27, 2016. Although the MDEQ does not agree with all the assertions made in the Trust's letter, but taking into consideration the Trust's limited ability to pay and to avoid further litigation, the MDEQ is willing to accept the offer of \$83,958.43 to resolve all MDEQ's claims for response activity costs against the Trust in this matter.

D. This Agreement shall apply to and be binding upon the Trust and the MDEQ. The signatories to this Agreement certify that they are authorized to execute this Agreement and legally bind the parties they represent.

BASED UPON THE FOREGOING, THE MDEQ AND THE TRUST HEREBY AGREE TO THE FOLLOWING:

1. Within fifteen (15) days after the effective date of this Agreement, the Trust shall pay the MDEQ \$83,958.43 (Eighty-three Thousand Nine Hundred Fifty-eight and 43/100 Dollars).

The payment made pursuant to this Agreement shall be by certified check, made payable to the "State of Michigan – Environmental Response Fund," and shall be sent to:

By first class mail:

Michigan Department of Environmental Quality
Cashier's Office
P.O. Box 30657
Lansing, Michigan 48909-8157

Via courier:

Accounting Services Division
Cashier's Office for DEQ
1st Floor, Van Wagoner Building
425 West Ottawa Street
Lansing, Michigan 48933-2125

To ensure proper credit, the check shall designate that payment is for the Hubert Sub B Facility, Remediation and Redevelopment Division, Account Number RRD50082. A copy of the transmittal letter and the check shall be provided simultaneously to the MDEQ Case Coordinator:


Cyndi Mollenhour, Case Coordinator
Remediation and Redevelopment Division
Michigan Department of Environmental Quality
P.O Box 30426
Lansing, Michigan 48909-7926
Phone: 517-284-5133

2. Within 15 days after receipt of the payment referenced in Paragraph 1, MDEQ shall make the filings necessary to withdraw from its intervention in the matter captioned *In the Matter of Daniel H. Burnside Trust*, Ottawa County Probate Court File No. 13-60163-TV, and withdraw any objection to closure of the file in such matter with respect to any claims MDEQ may have against the Trust or the Hubert Sub B Company. The MDEQ will not pursue any further costs from the Trust or its beneficiaries.

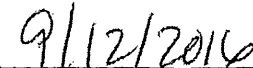
3. The State and the Trust may execute this Agreement in duplicate original form for the primary purpose of obtaining multiple signatures, each of which shall be deemed an original, but all of which together shall constitute the same instrument.

4. This Agreement shall become effective on the date that the MDEQ signs this Agreement. For the purposes of this Agreement, the term "day" shall mean a calendar day unless otherwise noted.

IT IS SO AGREED TO BY:

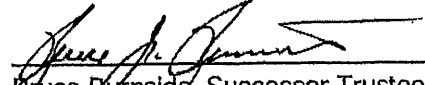


Susan J. Leeming, Acting Chief
Remediation and Redevelopment Division
Michigan Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909-7926
517-284-5144



Date

IT IS SO AGREED BY:



Trustee
Bruce Burnside, Successor Trustee
Daniel H. Burnside Trust
202 West Exchange Street
Spring Lake, Michigan 49456
616-422-9370

9-1-16

Date