

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

In the Matter of:

Roland J. Peterson, L.L.C.
Van Buren County, Michigan

MDEQ Reference No.
AOC-RRD-18-005

TERMINATION OF AGREEMENT FOR A LIMITED RESIDENTIAL INTERIM RESPONSE
ACTIVITY DESIGNED TO MEET CRITERIA

This Termination of Agreement for a Limited Residential Interim Response Activity Designed to Meet Criteria (Termination) is entered into voluntarily by the Michigan Department of Environmental Quality (MDEQ), Remediation and Redevelopment Division (RRD), and Roland J. Peterson L.L.C. to resolve all outstanding and current obligations related to the Agreement for a Limited Residential Interim Response Activity Designed to Meet Criteria IRDC-LANDUSE-RRD-04-003 (Land Use Agreement).

BACKGROUND

On December 28, 2004, Roland J. Peterson L.L.C. and the MDEQ entered the Land Use Agreement which was part of the MDEQ's approval of the Limited Residential Interim Response Designed to Meet Criteria dated December 13, 2004 (IRDC). The Land Use Agreement provided for the performance of response activities in a phased approach to allow for the residential use of the property located at 1070 Indiana Street, South Haven, in Van Buren County, Michigan. In addition to the performance of response activities, Paragraph 3.3 of the Land Use Agreement requires Roland J. Peterson, L.L.C. to provide an annual report to the MDEQ describing the implementation of the IRDC. Paragraph 5.4 of the Land Use Agreement also requires Roland J. Peterson, L.L.C. to provide the MDEQ a report containing the actual Long-Term IRDC Costs for the previous five (5)-year period and an estimate of the amount of funds necessary to assure Long-Term IRDC Costs for the following thirty (30)-year period given the financial trends in existence at the time of preparation of the report.

According to file records, the MDEQ has not received the annual reports required under the Land Use Agreement from Roland J. Peterson, L.L.C. from 2010 through 2017. In addition, the MDEQ did not receive a Long-Term IRDC Cost Report as required in 2014. Except for

performing operation and maintenance in perpetuity to ensure the effectiveness and integrity of the exposure barriers employed by the IRDC (Paragraph 3.2(b) of the Land Use Agreement), all performance standards employed by the IRDC have been achieved. Consequently, this Termination is intended to resolve all outstanding obligations and provide financial resources to allow the MDEQ to perform monitoring, operation and maintenance, and oversight to assure the effectiveness and integrity of the response activity as set forth in the IRDC if future owners do not comply with the provisions of MCL 324.20107(a).

Based on the foregoing facts, the MDEQ and Roland J. Peterson, L.L.C. stipulate and agree to the following:

I. PARTIES BOUND

1.1 The signatories to this Termination certify that they are authorized to execute it and legally bind the parties they represent.

II. REIMBURSEMENT OF COSTS

2.1 Within thirty (30) days of the effective date of this Termination, Roland J. Peterson, L.L.C. shall pay to the MDEQ the sum of Ten Thousand Dollars (\$10,000.00) to resolve all outstanding obligations, oversight costs incurred under Section XI (Reimbursement of Costs) under the Land Use Agreement, and provide the MDEQ with financial resources to provide long-term assistance and oversight as future property owners assure the continued effectiveness and integrity of the remedy. Payment is to be made by certified check 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 MDEQ
Van Wagoner Building, 1st Floor West
425 W. Ottawa Street
Lansing, Michigan 48933-2125

To ensure proper credit, payments made pursuant to this Termination must reference the National Motor Castings (former), the MDEQ Reference No. AOC-RRD-18-005, and the RRD Account Number RRD50110. A copy of the transmittal letter and the certified check shall be provided simultaneously to:

As to the MDEQ:

David Heywood, District Supervisor
Kalamazoo District Office
Remediation and Redevelopment Division
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, Michigan 49009
Phone: 269-547-0604
Fax: 269-567-9440
E-mail Address: heywoodd1@michigan.gov

Costs recovered pursuant to this Termination shall be deposited in the Environmental Response Fund in accordance with the provisions of MCL 324.20108(3).

III. TERMINATION

3.1 Upon execution of this Termination and receipt of payment of Ten Thousand Dollars (\$10,000.00) to the MDEQ from Roland J. Peterson, L.L.C., Roland J. Peterson, L.L.C.'s obligations under IRDC-LANDUSE-RRD-04-003 shall terminate.


IV. SEPARATE DOCUMENTS

4.1 This Termination may be executed in two (2) or more counter-parts, each of which shall be deemed an original, but all of which together shall constitute one instrument.

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IT IS SO AGREED:

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

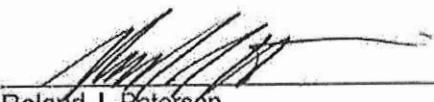
Joshua Mosher 

~~Kathleen Shirey~~, Assistant Director
Remediation and Redevelopment Division
Michigan Department of Environmental Quality

1/28/2020

Date

ROLAND J. PETERSON, L.L.C.



Roland J. Peterson
President and Sole Member
Roland J. Peterson, L.L.C.

10/23/2018

Date