

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY

In the Matter of:

Quick-Sav Food Stores Ltd
Quick-Sav Beacon & Bridge #8
110 East Broad Street
Linden, Michigan

EGLE Reference No. AOC-RRD-20-005

**ADMINISTRATIVE ORDER BY CONSENT
FOR PAYMENT OF CORRECTIVE ACTION COSTS**

A. This Administrative Order by Consent for Payment of Corrective Action Costs (Order) is entered into voluntarily by and between the Michigan Department of Environment, Great Lakes, and Energy (EGLE); and the Michigan Department of Attorney General (MDAG) (collectively, the "State"); and Quick-Sav Food Stores Ltd (Respondent) pursuant to the authority vested in EGLE and the MDAG by Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.21301, *et seq.* All terms used in this Order, which are defined in Part 213 of the NREPA, shall have the same meaning in this Order as in Part 213 of the NREPA.

B. This Order concerns the settlement between the State and the Respondent for the State's past costs of corrective action, which were incurred by the State in responding to the release or threat of release of regulated substances at and emanating from the property of Quick-Sav Beacon & Bridge #8 located at 110 East Broad Street, Linden, Genesee County, Michigan, property (the Property).

C. Pursuant to Part 213, the State incurred costs in responding to the release or threat of a release of regulated substances from an Underground Storage Tank System at the Property. Pursuant to MCL 324.21323b(1)(a), a person who is liable under MCL 324.21323a is liable for all costs of corrective action lawfully incurred by the State. The parties to this Order desire to resolve all claims for costs of corrective action the State has incurred at an Underground Storage Tank System at the Property and paid prior to and during the time periods set forth in the attached Summary Report, Attachment 1 and certain future costs of corrective action as set forth herein related to confirmed release number C-0162-14, hereafter referred to

as "Costs of Corrective Action". Settlement of this claim is in the public interest and will minimize litigation.

D. The execution of this Order by the Respondent is neither an admission of liability with respect to any issue covered under this Order nor an admission or denial of any findings of fact or legal determinations stated or implied herein.

E. This Order shall apply to and be binding upon the Respondent and its successors. No change or changes in the ownership or corporate status of the Respondent shall alter in any way the Respondent's obligations under this Order. The signatories to this Order certify that they are authorized to execute this Order and legally bind the parties they represent.

BASED UPON THE FOREGOING FACTS AND DETERMINATIONS, EGLE AND THE MDAG HEREBY ORDER, AND THE RESPONDENT HEREBY AGREES, TO THE FOLLOWING:

1. The Respondent shall make five (5) payments of \$100,000.00 to EGLE to resolve all State claims for Costs of Corrective Action and associated interest. The first payment shall be made within 180 days of the effective date as defined in Paragraph 9 herein, and each subsequent payment shall be made on or prior to the anniversary of the first payment due date.

Payments are 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 Environment, Great Lakes, and Energy
Cashier's Office for EGLE
P.O. Box 30657
Lansing, Michigan 48909-8157

Via courier:

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

To ensure proper credit, payments made pursuant to this Order must reference the Quick-Sav Beacon and Bridge #8, the EGLE Reference No. AOC-RRD-20-005, and the RRD Account Number RRD50130. A copy of the transmittal letter and the certified check shall be provided simultaneously to:

As to EGLE:

Mr. David LaBrecque (or current), Project Manager
Lansing District Office
Remediation and Redevelopment Division
Michigan Department of Environment, Great Lakes and Energy
P.O. Box 30242
Lansing, Michigan 48092
Phone: 517-284-5123
FAX: 517-241-3571

and to MDAG at:

Assistant in Charge
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General
G. Mennen Williams Building, 6th Floor
P.O. Box 30755
Lansing, Michigan 48909
Phone: 517-335-7664
Fax: 517-335-7636

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

2. If the Respondent fails to make the payments to EGLE as specified in Paragraph 1, the Respondent shall also pay interest, at the rate specified in in Section 21323b(3) of Part 213, MCL 324.201323b(3). If any of the Respondent's payments are more than thirty (30) days past due, the Respondent shall also pay EGLE stipulated penalties of

Two Hundred Fifty Dollars (\$250.00) per day for every day of its noncompliance with Paragraph 1.

3. In consideration of the payments to be made by the Respondent under the terms of this Order, except as otherwise provided in this Order, the State covenants not to sue or to take further administrative action against the Respondent for the costs of corrective action addressed in Paragraph 1. With respect to the Respondent's liability for past costs of corrective action, the State's covenant not to sue shall take effect upon EGLE's receipt of full payment from the Respondent for the amount specified in Paragraph 1 and any associated interest and penalties that may have accrued pursuant to Paragraph 2 and is conditioned on EGLE's certification of completion of corrective action as required pursuant to MCL 324.21323g(2). The covenant not to sue only applies to costs of corrective action addressed in Paragraph 1. The covenant not to sue shall extend only to the Respondent and does not extend to any other person.

4. Nothing in this Order shall be construed as releasing or discharging any liability of any person to the Respondent and the Respondent specifically reserves its rights against such persons.

5. The Respondent agrees that all applicable statutes of limitation are tolled until the Respondent has complied with the terms of this Order.

6. The State reserves all of its rights under state and federal law to perform corrective actions and to take enforcement action related to future violations of Part 213, including actions to seek injunctive relief, recover costs of corrective action if Respondent fails to comply with the AOC (AOC-RRD-18-007) entered with EGLE on December 5, 2018, and to recover natural resource damages and costs incurred to assess the natural resource damages, monetary penalties, punitive damages for any violation of law or this Order, and liability for criminal acts. Both the State and Respondent expressly reserve all of their rights and defenses pursuant to any available legal authority to enforce this Order. The state reserves all of its rights to take enforcement action or to assert future liability if the liability arises out of conditions that are unknown at the time EGLE certifies pursuant to MCL 324.21323g(2) and Paragraph 3 that the corrective action has been completed at the Property.

7. Nothing in this Order shall limit the power and authority of EGLE or the State of Michigan, pursuant to MCL 324.21323g(7) of Part 213 to direct or order all appropriate action to protect the public health, safety, or 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 an Underground Storage Tank System at the Property.

8. Pursuant to MCL 324.21323d(5) and 324.21323d(6), and to the extent provided in Paragraph 3, the Respondent shall not be liable for claims for contribution for the matters addressed in this Order. Entry of this Order does not discharge the liability of any other person that may be liable under MCL 324.21323a of the NREPA or federal law. Pursuant to MCL 324.21323d(9), any action by the Respondent for contribution from any person not a party to this Order shall be subordinate to the rights of the State if the State files an action pursuant to the NREPA.

10. This Order shall become effective on the date that the RRD Division Director signs this Order. All dates for the performance of obligations under this Order shall be calculated from the effective date of this Order. For the purposes of this Order, the term "day" shall mean a calendar day unless otherwise noted.

IT IS SO AGREED TO AND ORDERED BY:



11/19/2020

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

Date

Polly A. Synk P63473
Assistant Attorney General
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General

Date

IT IS SO AGREED BY:

Mr. Robert Eastman
Quick-Sav Food Stores Ltd
6285 Taylor Drive
Flint, Michigan 48507



11-16-2020

Robert Eastman
President

Date

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES AND ENERGY Date: 8/5/2020
REMEDIATION AND REDEVELOPMENT DIVISION Source: Excel
Cost Recovery Summary Report - Combined Page: 1 of 1

Site Name: Broad and Bridge Streets and Linden Multi-Site Contamination County: Genesee

Packages: 550570-00 LOC 7862 Broad and Bridge Streets: Original, 1, Rev Update #2, Update #3 Site ID: 25000703
Update #4 and Upate #5
550595-00 LOC 7885 Linden Multi-Site Contamination: Original, Rev Update 1 Site ID: 25000708

Total for Employee Salaries and Wages		
Period Covered: 07/19/2014 - 07/25/2020	\$185,132.46	
Indirect Dollars	\$25,431.43	
Sub-Total		\$210,563.89
Total for Employee Travel Expenses		
Period Covered: 01/03/2015 - 09/17/2017		\$773.16
Contractual Expenses		
ENVIRONMENTAL CONSULTING &TECH INC (EER) (Y14375)		
Period Covered: 05/18/2016 - 1/31/2020	\$607,296.88	
ENVIRONMENTAL CONSULTING &TECH INC (EER) (Y16064)		
Period Covered: 02/03/2016 - 11/20/2017	\$236,276.37	
TSP CONSTRUCTION LLC (Y19328)		
Period Covered: 02/03/2016 - 9/30/2019	\$90,559.95	
Contract Sub-Total		\$934,133.20
Total for Miscellaneous Expenses		
Period Covered: 02/25/2015 - 10/19/2018		\$34,482.09
MDNR/MDEQ Lab		
Period Covered: 10/08/2014 - 10/09/2017		\$91,486.50
Total for MDPH/Community Health Expenses		
Alternate Water Supply		
Period Covered:	\$0.00	
Bottled Water		
Period Covered:	\$0.00	
MDPH/MDCH Lab		
Period Covered:	\$0.00	
Sub-Total		\$0.00
Attorney General Expenses		
Period Covered: 05/01/2017 - 12/31/2019		\$12,410.00
Other Expenses		
Period Covered:		\$0.00
Sub-Total		\$1,283,848.84
Interest Calculated from 6/7/2017 through 5/7/2019		\$64,976.09
Total Combined Expenses for Site and Interest		\$1,348,824.93
Run Date 08/05/2020		