



Warner Norcross + Judd LLP

January 18, 2019

Ms. Abigail Hendershott
District Supervisor – Remediation and Redevelopment Division
Michigan Department of Environmental Quality
State Office Building
350 Ottawa Avenue NW, Unit 10
Grand Rapids, MI 49503-2341

Re: Response to November 21 Letter Regarding Resampling Request

Dear Ms. Hendershott:

I am writing on behalf of Wolverine World Wide, Inc. (Wolverine) in response to your November 21 letter, in which the DEQ requests resampling of nearly 1,000 residential wells that were previously sampled by Wolverine. As we agreed on December 21, Wolverine was given an extension until January 18 to respond to the letter. As set forth in more detail below and in the attached proposal, Wolverine is proposing an alternative resampling plan and schedule.

As noted in your correspondence, Wolverine has sampled over 1,500 residential drinking water wells in northern Kent County. Wolverine has also installed over 500 whole house filters and over 200 point-of-use filters. Additionally, Wolverine has offered Culligan bottled water to all of the homes whose wells were sampled and continues to provide Culligan water to nearly 1,000 of those addresses.

Your November 21 letter states that Section 14(1) of Part 201 obligates Wolverine to determine the nature and extent of the PFAS contamination caused by its releases or disposal practices. As you know, Section 14(1) of Part 201 only applies to contamination resulting from parcels owned or operated by Wolverine. That section applies to House Street, but does not apply to the Wolven/Jewell area (this includes all the other areas added to Wolven/Jewell north of 10 Mile). This is also true for North Childsdale and significant portions of the Rogue River study area. Nevertheless, even though Section 14(1) does not apply to the Wolven/Jewell area, Wolverine has installed approximately 19 monitoring wells to delineate the extent of contamination, and continues to install monitoring wells in that area. Wolverine has also provided 153 whole house filters and 55 point-of-use filters to residents in that area. To be clear, however, the affirmative obligations in Section 14(1) do not apply to the Wolven/Jewell area.

In the November 21 letter, the DEQ suggests that all 1,538 homes that were initially sampled should be resampled during the next six months. As you know, Wolverine has already resampled hundreds of these homes. In support of the request, the letter states: “Since the full

nature and extent of contamination is currently undefined, there is a need for additional sampling and analysis of current conditions to fully understand the risk to residents in all of Wolverine's sampling areas." The letter goes on to state that the PFAS resampling is being requested to "evaluate the following objective/questions:

- The potential for perfluorooctanoic acid (PFOA) and/or perfluorooctanesulfonic acid (PFOS) concentrations in a drinking water well to fluctuate above 70 parts per trillion (ppt);
- To better understand plume stability and/or dynamics, as the various plumes have not yet been defined vertically or horizontally by environmental monitoring wells;
- To obtain a current data set for PFAS compounds other than PFOA and PFOS that may be present to evaluate potential health risks."

Wolverine respectfully disagrees with the stated basis for the request. First, Wolverine is conducting significant resampling in connection with over 500 whole house filters that have been installed, and there is extensive data from that resampling. Additionally, Wolverine conducted separate resampling in connection with the House Street area, and those results are available for evaluation and summarized below. Finally, Wolverine is proposing additional resampling in the Wolven/Jewell area as described in the attachment.

The "risk to residents" statement does not support the broad sampling request in your letter. As you know, all homes with any detection of PFOA or PFOS have received offers of certified point-of-use filters, the same filters that are provided by the State at other locations to address PFOA+PFOS exposure. Additionally, Wolverine has provided whole house filters to residents with PFOA + PFOS exceeding the drinking water criterion of 70 ppt, and hundreds of whole house filters to homes that have either no detection of PFOA or PFOS or detections of PFOA + PFOS below 70 ppt.

Moreover, the substantial data that already exists from resampling homes with no detections of PFOA or PFOS show no realistic possibility of future detections of PFOA + PFOS above 70 ppt. We have received resampling results for 62 residential wells in the House Street Area without whole house filters. Fifty-three (53) of those wells were originally non-detect for PFOA and PFOS. *All* 53 were non-detect for PFOA and PFOS upon resampling. There were 9 of those 62 homes that originally had detections of PFOA or PFOS. Upon resampling those 9 wells, 6 had detections of PFOA/PFOS similar to the original detections; the other three had no detections of PFOA or PFOS. We also understand that all 30 wells that were non-detect in the North Kent Landfill area were non-detect again upon recent resampling by the County.

With regard to the whole house filter sampling, at least 65 homes that were originally non-detect for PFOS and PFOA remained non-detect for PFOS+PFOA or only had low-level estimated detections. Approximately 70 of the homes with whole house filters that were originally non-detect PFOA+PFOS have tested in the single digits. However, most of these have not been replicated upon additional sampling. Lastly, 16 addresses with whole house filters that were originally non-detect for PFOS+PFOA have had detections above 10 ppt in subsequent resampling (the highest being 39 ppt). However, those results were not replicated in subsequent

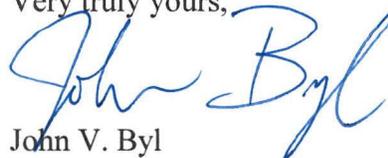
resampling. In fact, most were non-detect in later samples. In short, there is no basis to demand that all non-detect wells be resampled to determine if concentrations might fluctuate above 70 ppt.

Despite all the data from the resampling associated with the whole house filters, Wolverine has also proposed additional resampling of other homes based on a technically sound approach. Wolverine has proposed resampling all homes that had concentrations of PFBS equal to or greater than 5 ppt. The technical basis for that approach is described in the original proposal relating to House Street dated October 16, 2018 and in the attached resampling proposal for Wolven/Jewell. This more than adequately addresses the concern regarding “plume stability and/or dynamics” as set forth in the second bullet of your letter. We would also note that the DEQ itself has suggested that residential wells should not be used to address plume stability, so the request to resample all wells within the original sampling areas (the fourth item in your letter) contradicts previous statements by the DEQ.

We also have a concern regarding the third bullet in your letter, which states that the DEQ wants a “current data set for PFAS compounds other than PFOA and PFOS that may be present to evaluate potential health risks.” We do not believe that there is a basis under Part 201 to require resampling related to unregulated compounds.

Wolverine remains committed to the resampling effort, and will continue its resampling both with respect to its monitoring of homes with whole house filters, as well as the proposal contained in the attachment. As noted in the attachment, this will result in offering to resample 138 homes in the Wolven/Jewell area. This resampling is in addition to resampling associated with whole house filters in the Wolven/Jewell area, and more than adequately addresses any obligations of Wolverine under Part 201. Wolverine will commence the resampling of the 138 homes in February 2019 and will provide results to the DEQ and health agencies when received.

Very truly yours,



John V. Byl

dmt
attachment

c: Ms. Sara Simmonds, Kent County Health Department
Mr. Willam Farrell, Michigan Department of Health and Human Services
Ms. Polly Synk, Michigan Department of Attorney General
Ms. Susan Leeming, DEQ
Ms. Kathy Shirey, DEQ
Ms. Karen Vorce, DEQ