



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

August 3, 2020

VIA E-MAIL AND U.S. MAIL

Mr. Dave Latchana
Associate General Counsel
Wolverine World Wide, Inc.
9341 Courtland Drive, NE
Rockford, Michigan 49351

Dear Mr. Latchana:

SUBJECT: Notice of Approval with Conditions of the Filter Operation and Maintenance Response Activity Plan as Required by the Wolverine World Wide, Inc. Consent Decree Court Case No. 1:18-cv-00039

The Michigan Department of Environment, Great Lakes, and Energy (EGLE), Remediation and Redevelopment Division, has reviewed the Response Activity Plan for Filter Operation and Maintenance (O&M) for the North Kent Study Area submitted on April 6, 2020, by Rose & Westra, a Division of GZA GeoEnvironmental, Inc. (GZA) on the behalf of Wolverine World Wide, Inc. (Wolverine). This Response Activity Plan is a requirement of the Consent Decree (effective February 19, 2020) as described in Sections 7.4, 7.5, and Appendix L of the Consent Decree. The Filter O&M Response Activity Plan consists of the following two documents:

- Memorandum: Aquasana 5300+ Point-of-Use (POU) Filtration Maintenance (Revised April 6, 2020)
- Alternate Water Supply Management Plan – Point-of-Entry Treatment (POET) Systems (Revised April 6, 2020)

Section 20114b(3) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and as outlined in Section 15.7 of the Consent Decree, states that when a response activity plan is submitted for approval, EGLE may notify the submitter that the plan is approved with conditions, if applicable. The Filter O&M Response Activity Plan is approved with the following conditions:

Memorandum: Aquasana 5300+ Point-of-Use (POU) Filtration Maintenance (Revised April 6, 2020) conditions:

- *Include this POU memo report as an attachment to the POET plan.*
- *Last paragraph on the first page should state: "In filter areas at residences where influent concentrations are above 10 ppt for PFOS + PFOA (unless and until new applicable criteria for PFAS compounds become effective)....."*

- *Last paragraph on the second page; reference the monthly reporting requirement as outlined in Section 7.13 of the Consent Decree.*

Alternate Water Supply Management Plan – Point-of-Entry Treatment (POET) Systems (Revised April 6, 2020) conditions:

- **Section 1.1 Project Background:** *Add the Point-of-Use (POU) Memo as an attachment to the POET Plan.*
- **Section 2.2 Private Well Sampling:** *Last sentence: identify the plan being referenced (Residential Well Resampling Response Activity Plan).*
- **Section 3.0 Communication with Affected Properties:**
 - *Include the referenced websites in this section on the reference card that is provided to residents.*
 - *Wolverine shall provide periodic POET system update letters and more regularly share other system specific information with residents who have POET systems maintained by Wolverine (via mail or email, depending on the resident's preference). Many residents are not aware of the specific maintenance schedules for their home, especially if the property has recently changed ownership.*
 - *Wolverine shall set up a process to notify current property owners/occupants that they need to disclose the Wolverine maintained filtration system to any future property owners. Per Michigan's Seller Disclosure Act, Act 92 of 1993, a seller is required by law to notify any prospective buyer about the property's physical condition, which would include the filtration systems Wolverine installed to address the presence of hazardous substances. In addition, Section 20116 of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, Act 451 of 1994, as amended, requires that a person who has knowledge that their real property is a "facility" shall provide written notice to the purchaser or other person to which the property is transferred disclosing the known general nature and extent of the hazardous substance release and any land or resource use restrictions (i.e., the Plainfield Charter Township or Algoma Township "Groundwater Use" ordinances) that are known by the person to apply. Wolverine should communicate this requirement to current homeowners, so that homeowners who sell their home understand their obligation to share this information with purchasers.*
 - *Last sentence: Please attach a copy/example of the reference card to the POET plan.*
- **Section 4.0 POET Systems:** *Clarify that moving forward, if a parcel in the filter area that does not currently have a filter maintained by Wolverine, is re-sampled and the perfluorooctanesulfonic acid and perfluorooctanoic acid (PFOS+PFOA) is greater than 10 parts per trillion (ppt), that parcel will be offered a POU filter which Wolverine will maintain as outlined in the POU memo report.*
- **Section 4.3 POET System Startup:** *As referenced in this section, if the POET system remains dormant for more than three weeks, water should be flushed for a minimum of 25 minutes or 200 gallons or more prior to any use. This requirement needs to be better communicated to residents who utilize POET systems installed and maintained by Wolverine, as many residents are not*

aware of this. Add this information onto the reference card that is provided to residents.

- **Section 4.4 POET System Shutdown:**
 - First sentence: should say “O&M Plan Statement of Work (SOW),” not scope of work.
 - Verify the procedures for granular activated carbon (GAC) disposal are accurate as written; if not, update accordingly.
- **Section 5.0 Operation and Maintenance:** First paragraph, second sentence: Identify what conditions in Section 7 of the Consent Decree and the POET and POU SOW are being referred to.
- **Section 5.2 Schedule of Activities:** Last sentence: describe how the homeowners will be notified.
- **Section 5.5 GAC Vessel Change Out:**
 - First asterisk under the table, last sentence, should state: “the change out may be cancelled.” The use of “will be” infers EGLE approval.
 - First paragraph after the table, 35 ppt should be changed to 10 ppt, and additional per- and polyfluoroalkyl substances (PFAS) Compounds need to be addressed. The sentence should state: “...a carbon change out will be completed when total PFOS+PFOA concentrations in a sample from the mid-point port (after the lead GAC vessel but prior to the lag GAC vessel) are greater than 10 nanogram per liter (ng/L) (or applicable cleanup criteria), or when concentrations of any other PFAS compound (as defined in the Consent Decree) are greater than any applicable cleanup criteria.”
 - Second paragraph from the bottom of the page, should state: “If the result is greater than 10 ppt PFOS+PFOA (or applicable criteria) and rising”.....
- **Section 6.1.1 Objective:** Should state: “...reduces PFOS+PFOA to concentrations below 10 ng/l PFOA+PFOS or applicable criteria”.
- **Section 6.5.3 Routine Monitoring Schedule:**
 - Third paragraph, should state: “...are above 10 ppt for PFOS+PFOA (or any applicable criteria), the following routine monitoring will be performed.”
 - On the second table, indicate the PFOA+PFOS influent concentration ranges that are associated with each monitoring interval.
- **Section 6.7 Purge Water:** This section can be removed since it is already discussed in Section 6.2.
- **Section 6.10 Reporting:**
 - First sentence: Also mention that analytical results are emailed or mailed (depending on homeowner preference) to the homeowners.
 - Second sentence should state: “R&W GZA will provide data to EGLE as required for their database, as outlined in Section 7.13 of the Consent Decree.”
- **Section 6.10.1 POET System Reporting:**
 - First paragraph, second sentence should state: “If the concentration is less than 10 ppt (or any applicable criteria) and found on system start-up, subsequent resampling will be completed”.

- *First paragraph, third sentence should state: “If the subsequent resampling result is greater than 10 ppt PFOA+PFOS (or greater than any applicable criteria), the response will include changing out the lead and lag GAC vessels, and resampling.”*
- *Second paragraph: Specify that the results will be communicated to the homeowner in a way that the homeowner specifies. Hard copies of testing results need to be provided to the property owner in addition to any verbal communication of results.*
- *Third paragraph, first sentence should state: “If a mid-point sample exceeds 10 ppt for PFOA + PFOS (or applicable criteria), EGLE will be notified as soon as possible”.*
- **6.10.2 Periodic Reporting:** *Update this section to match the requirements of the Consent Decree; Per Section 7.15 of the Consent Decree, Wolverine shall provide EGLE with quarterly progress reports which should contain the requested information related to filters as outlined in Section 7.15(e)i, ii, iii, iv, and v. Additionally, sampling data shall be shared with EGLE as outlined in Section 7.13(b)(ii), on a monthly basis.*
- **7.0 Cessation:**
 - *First bullet needs to clarify that Wolverine will also offer to remove the POET system at Wolverine’s expense (per Section 7.5(g) of the Consent Decree).*
 - *Third bullet: This needs to include language from the Consent Decree regarding any new applicable cleanup criteria for PFAS compounds (not just reference to 10 ppt for PFOA + PFOS).*
 - *Within this section, include a description of the process Wolverine will use to document if a homeowner wants to keep the POET system or have it removed.*
- **Table 1:** *Change the approximate reporting limit from 4 ppt to 2 ppt, consistent with drinking water reporting for the statewide PFAS sampling conducted by EGLE.*

EGLE’s approval is conditioned on Wolverine making the above changes to the Response Activity Plan. If the above changes are not made, EGLE’s approval of the Response Activity Plan is withdrawn.

This approval with conditions of the Response Activity Plan is based upon the representations and information contained in the submittal. EGLE expresses no opinion as to whether other conditions that may exist will be adequately addressed by the response activities that are proposed.

If you should have further questions or concerns, please contact Karen Vorce, at the

Grand Rapids District Office, Remediation and Redevelopment Division, at 616-439-8008, or at VorceK@michigan.gov.

Sincerely,



Abigail Hendershott
District Supervisor
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Remediation and Redevelopment Division
616-888-0528
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cc: Ms. Polly Synk, Department of Attorney General
Ms. Danielle Allison-Yokom, Department of Attorney General
Mr. John Byl, Warner Norcross & Judd LLP
Ms. Karen Vorce, EGLE