



Rose & Westra  
A Division of GZA

GEOTECHNICAL

ENVIRONMENTAL

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## Sent Via Email Only

August 13, 2020  
File No. 16.0062961.60

Ms. Karen Vorce, Project Manager  
Grand Rapids District Office  
Remediation and Redevelopment Division  
Michigan Department of Environment, Great Lakes, and Energy  
350 Ottawa Avenue NW, Unit 10  
Grand Rapids, MI 49503  
vorcek@michigan.gov

Re: Wolverine World Wide, Inc. Consent Decree Court Case No. 1:18-cv-00039  
Notice Under Section 18.5(c) of the Consent Decree

Dear Ms. Vorce:

In response to EGLE's August 3, 2020, Notice of Approval with Conditions of the Filter Operation and Maintenance RAP (the "**Conditions**"), Rose & Westra, a Division of GZA GeoEnvironmental, Inc. (R&W/GZA) submits this notice on behalf of Wolverine World Wide, Inc. (Wolverine) under section 18.5(c) of the Wolverine Consent Decree (W.D. Mich. Case No. 1:18-cv-39).

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

#### • **Section 3.0 Communication with affected Properties:**

- *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.*

**Objection:** Wolverine has regularly provided well test and filter operation test results to residents, and will continue to supply that information so that residents have all the information they need to comply with any notification or disclosure obligations they may



have to future property owners, but Wolverine objects to this Condition to the extent that it suggests that Wolverine has an obligation to educate homeowners of their legal obligations or ensure that they comply with whatever those obligations may be.

- **Section 5.5 GAC Vessel Change Out:**

- *First paragraph after the table, 35 ppt should be changed to 10 ppt, and additional per- and polyfluoroalkyl substances (PFAS) Compounds needs 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 applicable cleanup criteria."*

**Objection:** There is no reason to make this change to the already well-established filter protocol, for all the reasons set forth below:

- The POET Statement of Work was already approved in the Consent Decree and relied on the 35 ppt mid-point sample threshold.
- The mid-point trigger of 35 ppt was set early in the POET O&M process. It has been more than sufficient in serving as a threshold for GAC change-outs. The mid-point monitoring is not completed to demonstrate compliance with Part 201 (or other applicable criteria), but rather as a function of monitoring system performance and implementation of the GAC change out schedule.
- Past data shows that the newly implemented routine, preemptive GAC change out schedule will drive the GAC change outs, not the mid-point monitoring.
- The sampled water at the mid-point is still treated in the lag carbon vessel(s) and, is again, not a compliance point.

This objection applies to all Conditions and locations in the POET O&M where the mid-point trigger is contemplated, including Section 6.10.1 of the Conditions.

- **Section 7.0 Cessation:**

- *First bullet needs to clarify that Wolverine will also offer to remove the POET system at Wolverine's expense (per Section 7.59(g) of the Consent Decree).*

**Objection:** As EGLE knows, Wolverine already contacts each affected resident and provides them with their options, consistent with section 7.5(g) of the Consent Decree. The RAP will be clear that Wolverine will continue to provide letters, like the one attached, to each affected resident.

- **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.*

**Objection:** Dropping the reporting limit from 4 ppt to 2 ppt would have no benefit from a compliance or regulatory standpoint. The 4 ppt reporting limit is already half of the lowest applicable Part 201 PFAS criterion, and is more than sufficient for detections of criteria exceedance. In any event, EGLE already approved Wolverine's project-specific QAPP, which utilizes a 4 ppt reporting limit. The EGLE guidance



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emailed on August 6, 2020 regarding PFAS Drinking Water Generic Cleanup Criteria Revision indicates that the TDLs for PFOS and PFOA are 5 ppt; and the 2018 PFAS Sampling of Drinking Water Supplies in Michigan summary (AECOM project 60570309) indicates on pages 8 and 9 that even when EGLE performed sampling in the NKSA the reporting limits used were 2 ppt and 4 ppt, not consistently 2 ppt.

We look forward to resolving these technical objections to the Conditions as contemplated under Section 18 of the Consent Decree. At your earliest convenience, please let us know your availability for a meeting to discuss the Conditions and our objections. Thank you.

Very truly yours,

Rose & Westra, a Division of GZA GeoEnvironmental, Inc.

Mark A. Westra  
Principal

Loretta J. Powers  
Senior Project Manager

c: Mr. Dave Latchana–Wolverine Worldwide, Inc. *via email David.Latchana@wwwinc.com*  
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