



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

September 2, 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: Resolution of Disputes Pertaining to the Groundwater-Surface Water Interface Response Activity Plan as Required by the Wolverine World Wide, Inc. Consent Decree Court Case No. 1:18-cv-00039

Wolverine World Wide, Inc. (Wolverine) provided a Notice of Dispute to the Michigan Department of Environment, Great Lakes, and Energy (EGLE) on August 13, 2020, under Section 18.5(c) of the Consent Decree (W.D. Mich. Case No. 1:18-cv-39) pertaining to EGLE's comments on the Groundwater-Surface Water (GSI) Interface Response Activity Plan.

After EGLE received the Notice, EGLE and Wolverine have discussed Wolverine's objections with certain conditions identified in EGLE's August 3, 2020, Notice of Approval with Conditions of the Groundwater-Surface Water Interface Response Activity Plan.

Based on those discussions between EGLE and Wolverine, this letter documents the mutually agreed upon solutions and clarifications to EGLE's August 3, 2020, conditions which address and resolve Wolverine's objections brought forth in their August 13, 2020, letter:

1.

EGLE's Condition: Section 3.01 House Street Disposal Area Study Area:

- *EGLE expects that all piezometer locations will be sampled and analyzed for per- and polyfluoroalkyl substance (PFAS) compounds, which should be stated in this section. Currently, the report states that piezometers will be used to measure perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA) venting to the surface water, which can only be done through actual sampling.*

Wolverine's Objection: *Section 2 of the GSI Statement of Work (SOW) that has already been approved by both EGLE and the Court provides as follows:*

The GSI piezometers will be used to collect static water levels which will be compared to staff gauges in the surface water body to demonstrate groundwater flow is toward the surface water and to evaluate groundwater flow pattern near the GSI. Anything beyond that is beyond the scope of this Response Activity Plan (RAP) under the Consent Decree and would need to be contemplated as part of some other future action.

Resolution: EGLE agrees that Wolverine is not required to sample additional piezometers that were not identified to be sampled in the GSI SOW. EGLE and Wolverine may evaluate the benefits of obtaining additional data points from the piezometers while work is being completed during this phase of the investigation.

2.

EGLE's Condition: Section 3.02 Wolven/Jewell Study Area

- *EGLE expects that all piezometer locations will be sampled and analyzed for PFAS compounds, which should be stated in this section. Currently, the report states that piezometers will be used to measure PFOS and PFOA venting to the surface water, which can only be done through actual sampling.*

Wolverine's Objection: *Section 2 of the GSI SOW that has already been approved by both EGLE and the Court provides as follows: The GSI piezometers will be used to collect static water levels which will be compared to staff gauges in the surface water body to demonstrate groundwater flow is toward the surface water and to evaluate groundwater flow pattern near the GSI. Anything beyond that is beyond the scope of this Response Activity Plan (RAP) under the Consent Decree and would need to be contemplated as part of some other future action.*

Resolution: The GSI SOW states that the following piezometers in the Wolven/Jewell investigation area will be sampled: Area 19-GSI-1, Area 19-GSI-2, and Area 19-GSI-3. As such, these will be sampled in accordance with the approved GSI SOW. EGLE agrees that Wolverine is not required to sample additional piezometers that were not identified to be sampled in the GSI SOW. EGLE and Wolverine may evaluate the obtaining of additional data points from the piezometers while work is being completed during this phase of the investigation.

3.

EGLE's Condition: Section 4.01 Piezometers:

- *The piezometer installation standard operating procedures (SOP) are included, but a sampling SOP discussion for piezometers also needs to be included in this section, and included in Appendix B.*
- *Specify how long after the piezometers are installed that they are sampled.*
- *There is no mention of measurement of pH, temperature, conductivity, dissolved oxygen (DO) and oxidation-redox potential (ORP) from the GSI groundwater piezometer locations as discussed in Appendix S of the Consent Decree. Update this section to include this language.*

Wolverine's Objection: *See response in Section 3.01.*

Resolution: The GSI Response Activity Plan will be updated to include an SOP for sampling piezometers in Appendix B. Section 3.01 will be updated to specify how long after the piezometers are installed that they will be sampled, and also mention the measurement of pH, temperature, conductivity, DO and ORP as stated in the GSI SOW.

4.

EGLE's Condition: Section 4.02 Pore Water Sampling:

- *Sixth bullet: Update SOP A27 to include dissolved oxygen and oxidation-reduction potential on the sampling sheet and indicate that 12 inches will be the shallowest depth that a pore water sample will be collected.*

Wolverine's Objection: *We would like to discuss this with EGLE. The 12 inches for the shallowest depth will be added to the form. SOP A27 states the intent is to monitor for pH, temperature, specific conductivity, and turbidity but not DO and ORP.*

Resolution: SOP A27 will be updated to include DO and ORP on the sampling sheet. The field parameters which will be utilized for determining stabilization are pH, temperature, specific conductivity, and turbidity. DO and ORP will be collected for informational purposes only.

5.

EGLE's Condition: Section 7.0 Investigation Derived Waste:

- *Purge water collected from monitoring wells and piezometers as part of this investigation should be containerized and disposed of appropriately.*

Wolverine's Objection: *Current practice and EGLE policy is to discharge development water to the nearby ground surface. Wolverine intends to continue that accepted practice with the development water from the sampling of MW-19, MW-29A, and DEQ-MW-9.*

Resolution: Purge water or development water from monitoring wells with known PFAS concentrations which are below Part 201 cleanup criteria can be discharged on the ground surface near the well in accordance with the referenced operational memo. Purge water from wells with unknown PFAS concentrations, or from wells which have known concentrations of PFAS above Part 201 cleanup criteria will be disposed of appropriately (following the referenced operational memo) and not discharged to the ground surface.

EGLE and Wolverine have agreed that the above resolutions, and the remaining items outlined within EGLE's August 3, 2020, Conditional Approval Letter will be incorporated in the GSI Response Activity Plan and the final report will be submitted to EGLE within 3 weeks (21 days) of receipt of this letter.

If you should have further questions or concerns, please contact Karen Vorce, Remediation and Redevelopment Division, Grand Rapids District Office, at 616-439-8008.

Sincerely,



Abigail Hendershott
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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