



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 13, 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 Area 5, Area 6, and Area 11 & 12 Response Activity Plans as Required by the Wolverine World Wide, Inc. Consent Decree Court Case No. 1:18-cv-00039

Wolverine World Wide, Inc. (Wolverine) provided three Notice of Dispute Letters (two dated October 9, 2020, and one dated October 22, 2020) to the Michigan Department of Environment, Great Lakes, and Energy (EGLE), under Section 18.5(c) of the Consent Decree (W.D. Mich. Case No. 1:18-cv-00039) pertaining to EGLE's conditional approvals of the Area 5, Area 6, and Area 11 & 12 Response Activity Plans.

After EGLE received the three notices identified above, EGLE and Wolverine have discussed Wolverine's objections with certain conditions identified in EGLE's October 9, 2020, Notice of Approval with Conditions letters of the Area 5 and Area 6 Response Activity Plans, and EGLE's October 22, 2020, Notice of Approval with Conditions letter of the Area 11 & 12 Response Activity Plan.

Based on those discussions between EGLE and Wolverine, below is a summary of the resolutions to Wolverine's disputes:

1. For Area 5 (Sections 2.01 and 3.0), Area 6 (Sections 2.01, 2.06, 3.0), and Area 11 & 12 (Sections 1.0, 2.01, 2.07, and 5.):
The following qualifying statement will be added to the text prior to the discussion of other possible per- and polyfluoroalkyl substance (PFAS) sources: "Although the presence of other sources does not impact the obligations of the parties under the Consent Decree."....
2. For Area 5 (Section 5.0) and Area 6 (Section 6.0):
Language from the Consent Decree Statement of Work will be used for the next steps discussion(s): "Upon completion of the Response Activities in each Response Activity Plan, Defendant will evaluate the data gathered in consultation with EGLE and determine appropriate next steps."

Note: Long-term sampling of the monitoring wells installed as part of these response activity plans will be an item for discussion when EGLE and Wolverine meet to discuss appropriate next steps beyond the first year of quarterly sampling. EGLE can agree that the long-term sampling does not need to be mentioned in the Area 5, Area 6, and Area 11 & 12 Response Activity Plans under review currently, but EGLE does not want to give the impression that after the one year of quarterly sampling there would not be any future or long-term sampling requirements.

3. For Area 5 (Section 7.0) and Area 6 (Section 7.0):

The Response Activity Plans will include language that soil cuttings will be containerized and transported to the House Street Disposal Site property for staging/storage until off-site treatment/disposal or other approved handling can be arranged. Additionally, the applicable language from the Groundwater-Surface Water Response Activity Plan, Investigation Derived Waste Section will be included pertaining to the handling of development and purge water.

EGLE and Wolverine have agreed that the final Area 5, Area 6, and Area 11 & 12 Response Activity Plan reports will be submitted to EGLE by the dates listed below:

- Area 5 Response Activity Plan: December 4, 2020
- Area 6 Response Activity Plan: December 4, 2020
- Area 11 & 12 Response Activity Plan: December 11, 2020

If you should have further questions or concerns, please contact the Project Manager, Karen Vorce, Remediation and Redevelopment Division, Grand Rapids District Office, at 616-439-8008, or at VorceK@michigan.gov.

Sincerely,



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