



STATE OF MICHIGAN
 DEPARTMENT OF
 ENVIRONMENT, GREAT LAKES, AND ENERGY
 LANSING



GRETCHEN WHITMER
 GOVERNOR

LIESL EICHLER CLARK
 DIRECTOR

June 14, 2021

Violation Notice No. VN-011827

VIA E-MAIL

Mr. Steven Haws
 Brose New Boston, Incorporated
 23400 Bell Road
 New Boston, Michigan 48164

Dear Mr. Haws:

SUBJECT: National Pollutant Discharge Elimination System (NPDES)
 Designated Name: Brose New Boston Inc
 Per- and Polyfluoroalkyl Substances (PFAS)
 Violation Notice

On April 12, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), received the results of the sampling conducted on March 31, 2021, at the Brose New Boston, Incorporated facility (Brose), located at 23400 Bell Road, New Boston, Wayne County, Michigan. The WRD requested Brose conduct the sampling in a letter dated February 21, 2021.

The objective of the sampling was to evaluate concentrations of PFAS, specifically perfluorooctanesulfonic acid (PFOS) and perfluorooctanoic acid (PFOA), in an on-site pond that discharges to the Regan Drain. This was necessary to determine compliance with Michigan's established Water Quality Standards (WQS); R 323.1057 (Rule 57) of the Part 4 Rules, WQS, promulgated pursuant to Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA). Based on a review of the data provided by Brose and our analysis, it appears that the discharge exceeded the WQS developed to protect waters of the state. A summary of that review is provided in the table below, with the exceedance highlighted.

Sample Location	Sample Date	Pollutant	Result	Applicable Criteria at Monitoring Point
Pond	03/31/2021	PFOS	170 ng/L	12 ng/L

Facilities are not authorized to discharge storm water that may cause or contribute to a violation of a WQS. Therefore, the discharge of storm water contaminated with PFOS above the WQS is a violation of Part 31 of the NREPA, specifically Section 3109.

The violations in this Violation Notice are continuing.

Brose shall take immediate action to achieve and maintain compliance with the terms and conditions of Part 31 of the NREPA.

By July 16, 2021, Brose shall submit a response to this letter via MiWaters. The response can be accessed from the Facility's MiWaters Dashboard by selecting the "Upcoming" tab and clicking "Begin" next to the schedule titled, "Submit Written Response." At a minimum, the response shall include:

1. A Source Investigation and Identification Plan, for review and approval, to collect and analyze samples from all potential PFAS source areas that discharge to waters of the state (i.e., Reagan Drain). The purpose of the Source Investigation is to identify and delineate contributing areas of PFAS at the site. The contributing areas to be evaluated could include areas with contaminated sediments, roofs, loading areas, sewers and other conveyances, sumps, equipment, process lines and tanks, rinse tanks, storage areas, air pollution control equipment, parking lots, etc., that may have been exposed to and contaminated by PFAS and are now contributing to exceedances of PFOS concentrations in the storm water discharges from the site to waters of the state. The Source Investigation and Identification Plan shall include the following items:
 - a. Identify source chemicals, products, processes, activities, or events that have resulted in PFAS contamination of storm water.
 - b. Identify and delineate potential areas that could contribute PFAS at the site, including areas with contaminated sediments, roofs, loading areas, sewers and other conveyances, sumps, equipment, process lines and tanks, rinse tanks, storage areas, air pollution control equipment, parking lots, etc.
 - c. Provide the area, accurate to tenths of an acre, of the drainage area of each applicable discharge point.
 - d. Identify drainage areas contributing to each discharge point to waters of the state; identify potential PFAS source areas within those drainage areas; and identify sample locations for each discharge point that are representative of potential PFAS source areas within each drainage area.
 - e. Samples shall be analyzed for:
 - i. PFOS and PFOA; however, the WRD recommends that all PFAS analytes included on EGLE's [PFAS Minimum Laboratory Analyte List](#) be included in the analysis. PFAS samples shall be analyzed using either ASTM D7979 or an isotope dilution method, sometimes referred to as Modified 537. Regardless of the method used, the Permittee should choose a laboratory with sufficient quality assurance/quality control practices, reporting, and detection levels to meet the objectives of the Short-Term Storm Water Characterization Study (STSWCS). All sampling shall be performed in accordance with appropriate sampling procedures for PFAS.

Sampling guidance is provided on the Michigan PFAS Action Response Team (MPART) [Web page](#). For storm water discharges, the [General PFAS Sampling Guidance](#) and [Wastewater PFAS Sampling Guidance](#) should be followed.

- ii. An implementation schedule of the Source Investigation and Identification Plan that does not exceed six months from the WRD's approval of the Source Investigation and Identification Plan.

Please be aware, compliance with the requirements outlined in this Violation Notice does not constitute a release or waiver of liability for compliance with Part 31 of the NREPA.

We appreciate your prompt attention to this matter. Should you have any questions regarding this letter or wish to schedule a meeting to discuss it, please contact me at 517-667-8394; mcwhinnier@michigan.gov; or EGLE, WRD, Emerging Pollutants Section, 525 West Allegan Street, Constitution Hall, 1st Floor South, P.O. Box 30242, Lansing, Michigan 48909-7742.

Sincerely,



Ryan McWhinnie, Environmental Quality Analyst
Emerging Pollutants Section
Water Resources Division

rm/sea

cc: Ms. Autumn Blattert, Brose New Boston, Inc. (electronic)
Ms. Stephanie Kammer, Manager, Emerging Pollutants Section, EGLE, WRD
Ms. Melinda Steffler, Warren District Supervisor, EGLE, WRD
Mr. Eric Moore, EGLE, WRD