



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
GRAND RAPIDS DISTRICT OFFICE



C. HEIDI GRETHER  
DIRECTOR

June 19, 2018

CERTIFIED MAIL – 7017 2680 0000 0951 5652  
RETURN RECEIPT REQUESTED

Mr. Michael Berg  
Boulder Creek Development  
1703 3 Mile Road, NE  
Grand Rapids, Michigan 49505

Dear Mr. Berg:

**SUBJECT: Compliance Communication Regarding the Release at Northeast Gravel Company Site, (formerly known as 4300 Cannonsburg Road), 3769 Cannonsburg Road, NE, Kent County, Michigan; Facility ID No. 41000048**

Thank you for meeting with the Department of Environmental Quality (DEQ) on April 5, 2018. As discussed in the meeting, the DEQ has information indicating contamination is present on the property at 3769 Cannonsburg Road, NE, former address 4300 Cannonsburg Road (Property). Please refer to the enclosed meeting synopsis for additional details regarding what was discussed during the meeting. Subject to Michigan's environmental cleanup law, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 201), the DEQ considers Boulder Creek Development Company (BCDC) responsible for the contamination.

As part of the DEQ's Northern Kent County Per- and Polyfluoroalkyl Substances (PFAS) investigation, to date, the DEQ has sampled two irrigation wells, three monitoring wells, and four residential wells on Cannonsburg Road located southwest, south, and southeast of the Property. Based on the results obtained during the DEQ's initial investigation activities, data indicates that concentrations of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) above the Part 201 Drinking Water Criteria and the United States Environmental Protection Agency (USEPA) Health Advisory Level of 70 parts-per-trillion (ppt) were identified in two monitoring wells (MW-4 at 141.9 ppt and MW-5 at 115.8 ppt) located at 4300 Cannonsburg Road.

The former licensed landfill that operated at the Property has been documented to accept wastes from industries known to have used PFAS in their processes. As described above, PFOA and PFOS have been identified at concentrations above the Part 201 Drinking Water Criteria, and the extent of this contamination has not been defined. An area where hazardous substances exceed the criteria for unrestricted residential use is known as a Facility as defined in Part 201, which triggers obligations under the law. The concentration of PFOA and PFOS found at the Property makes it a Facility regulated by Part 201, and steps are required to clean up the contamination.

Persons who are liable for a facility pursuant to Section 20126 of Part 201 include persons that become an owner or operator of a facility after June 5, 1995, unless the owner or operator conducts and submits a Baseline Environmental Assessment (BEA). Property records indicate that Northeast Gravel Company sold the property to BCDC and that this transaction was

recorded on September 29, 1997. According to DEQ records, BCDC did not conduct or submit a BEA. This information indicates that BCDC is liable under Section 20126(1)(c)(i) of Part 201.

As a person liable under Section 20126 of Part 201, BCDC has responsibility for an affirmative obligation to comply with Section 20114 of Part 201, which lists the requirements of a liable party to address environmental contamination. These steps include, as applicable:

- Immediately taking measures to contain or remove the contamination source;
- Immediately identifying and eliminating any threat of fire or explosion or direct contact hazards;
- Notifying the DEQ and affected neighbors if contamination has migrated off the Property;
- Delineating the extent of the contamination; and
- Undertaking the cleanup of the contamination.

Additional requirements under Section 20114 of Part 201 may apply to this situation.

While the DEQ understands that parties may self-implement response activities as provided in Section 20114a of Part 201, it appears that BCDC has not voluntarily complied with the provisions of Part 201.

The DEQ requests BCDC to perform remedial investigations to define the horizontal and vertical extent of hazardous substances and to address all unacceptable exposures to public health and impacts to the environment above Part 201 Generic Cleanup Criteria.

The DEQ is requesting BCDC to submit a Remedial Investigation Work Plan within 30 days of receipt of this letter to the following address:

John Pawloski, Project Manager  
Grand Rapids District Office  
Department of Environmental Quality  
Remediation and Redevelopment Division  
350 Ottawa Avenue, NW, Unit 10  
Grand Rapids, Michigan 49503-2341  
616-356-0418  
PawloskiJ1@michigan.gov

The DEQ is also requesting BCDC provide temporary alternate water to all area residences and businesses whose wells may have been impacted by releases from the Facility. Following completion of the investigation and full characterization and definition of the extent of hazardous substances, BCDC shall provide long term alternate water to the residences and businesses whose wells were found to be contaminated or may become contaminated by releases of hazardous substances from the Facility.

Since environmental contamination is present on the Facility, BCDC also has a responsibility as the owner or operator of the Property to take certain measures, commonly called due care, to ensure that existing contamination on the Property does not cause unacceptable risks and is not exacerbated. The due care provisions are found in Section 20107a of Part 201, and include:

- Preventing exacerbation of the existing contamination;

- Preventing unacceptable human exposure and mitigating fire and explosion hazards to allow for the intended use of the Northeast Gravel Facility in a manner that protects the public health and safety; and
- Taking reasonable precautions against the reasonably foreseeable acts or omissions of a third party.

Additional guidance on complying with due care is found in Part 10 (Compliance with Section 20107a of Act) of the Part 201 Administrative Rules.

The DEQ requests that BCDC take all necessary steps to comply with Part 201. BCDC may want to confer with an environmental consultant to assist in complying with the provisions of Part 201.

The explanations of Part 201 in this letter should not be considered a complete listing of BCDC's legal obligations. The Part 201 statute and rules can be found in its entirety at the DEQ Web site: [www.michigan.gov/deq](http://www.michigan.gov/deq), by clicking on 'Land,' 'Land Remediation & Redevelopment,' then 'Site Investigation and Remediation.'

The information used to prepare this letter is located in the DEQ, Grand Rapids District Office located at 350 Ottawa Avenue, NW, Unit 10, Grand Rapids, Michigan 49503-2341. If BCDC wishes to review this information or if you have questions regarding this letter, please contact Mr. John Pawloski, Project Manager, at the contact information noted above. The DEQ looks forward to your cooperation in addressing the contamination at the Facility.

Sincerely,



Abigail Hendershott  
District Supervisor  
Grand Rapids District Office  
Remediation and Redevelopment Division  
616-888-0528  
HendershottA@michigan.gov

Enclosure

cc: Mr. Gary Schenk, Schenk Boncher & Rypma  
Ms. Sara Simmonds, Kent County Health Department  
Mr. William Farrell, Department of Health and Human Services  
Ms. Carol Isaacs, Governor's Office  
Mr. Scott Hiipakka, Governor's Office  
Mr. C. Heidi Grether, Director, DEQ  
Mr. Aaron B. Keatley, Chief Deputy Director, DEQ  
Mr. Nate Zimmer, Chief of Staff, DEQ  
Mr. Steve Sliver, PFAS Executive Lead, DEQ  
Ms. Kathleen Shirey, DEQ  
Ms. Amy Peterson, DEQ  
Mr. Kevin Schrems, DEQ  
Mr. John Pawloski, DEQ  
Ms. Nancy Johnson, DEQ

## **April 5, 2018 - Northeast Gravel Meeting Minutes**

### **Attendees:**

Mark Worrall – DEQ- RRD  
Jim Dykema – Dykema Excavating  
Tyler Osburn – Schenk Boucher  
Gary Schenk – Schenk Boucher  
Mike Berg – Dykema Excavating  
John Pawloski – DEQ – RRD  
Karen Vorce – DEQ- RRD  
Abigail Hendershott – DEQ- RRD

### **Discussion Points:**

The following points were discussed at the meeting on April 5, 2018:

1. The Department of Environmental Quality (DEQ) sent a February 21, 2018, letter requesting a work plan for per- and polyfluoroalkyl substance (PFAS) investigation within 30 days.
2. Northeast Gravel / Boulder Creek Development Company, LLC (BCDC) did not understand why the DEQ thought work needed to be conducted per the March 1, 2018, response letter from BCDC.
3. The Voluntary Agreement for a Limited Residential Based Remedy (Agreement) executed on September 4, 1998, between the DEQ and Northeast Gravel Company (current property owner BCDC) to address environmental contamination. The agreement provides for the implementation of response activities contained in the Remedial Action Plan (RAP) submitted by Fishbeck, Thompson, Carr & Huber on November 30, 1995, and amended by its letter submitted on April 2, 1996. At the time the RAP was implemented, PFAS was an unknown contaminant of concern.
4. As part of the 1998 voluntary Agreement, Northeast Gravel/BCDC will be extending the municipal water line up to the corner of the church property located at 4435 Cannonsburg Road. The extension would not include hook up for the church building to municipal water.
5. Discussion of the state-wide efforts by the Michigan PFAS Response Team (MPART) to address PFAS where public health might be at risk due to levels of PFOA/PFOS exceeding 70 parts per trillion (ppt).
6. The investigations at House Street, Rockford Tannery and North Kent County of properties impacted with PFAS from Wolverine Worldwide's- Rockford Tannery.

The investigation has included approximately 20 square miles of northern Kent County.

7. The need for additional remedial investigation to define the source of the PFAS and the extent of the vertical and horizontal impacts from the PFAS emanating from the Facility north of Cannonsburg Road. During our meeting BCDC did not agree to do any investigation as requested by the DEQ in the February 21, 2018, letter. BCDC did agree to allow the DEQ to sample two additional on-site irrigation wells that were located in an apparent down-gradient location to the former Wolverine tannery sludge cell and the electroplating waste cell.
8. The DEQ PFAS sampling results from the residential drinking water wells and irrigation wells located along Cannonsburg Road near and/or at the Facility. Concentrations of perfluorooctanoic acid (PFOA) and perfluorooctane sulfonate (PFOS) above the Part 201 Drinking Water Criteria and United States Environmental Protection Agency (USEPA) Health Advisory Level of 70 ppt were identified in two monitoring wells (MW-4 at 141.9 ppt and MW-5 at 115.8 ppt) located at 4300 Cannonsburg Road. These monitoring wells are located downgradient of the former licensed landfill at the Facility which has been documented to accept wastes from industries known to have used PFAS in their processes.
9. Potential PFAS impacts to onsite surface water ponds as well as to the Grand River which is approximately 4000 feet downgradient. BCDC did agree to allow the DEQ to sample surface water ponds that are in an apparent down-gradient location to the former Wolverine tannery sludge cell and the electroplating waste cell.
10. Based on the DEQ's PFAS sampling results, this previously unknown hazardous substance present in groundwater at the Facility may pose a threat to public health, safety or welfare, or the environment. PFOA and PFOS have been identified at concentrations above the Part 201 Drinking Water Criteria, and the extent of this contamination has not been defined.

<b>SENDER: COMPLETE</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
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<b>1. Article Addressed to:</b>  MR MICHAEL BERG BOULDER CREEK DEVELOPMENT 4300 CANNONBURG ROAD BELMONT MI 49503		<b>B. Received by (Printed Name)</b> <i>Kyle O'Hara</i> <b>C. Date of Delivery</b> <i>6/23/18</i> <b>D. Delivery address different from item 1?</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If Yes, send delivery address below)	
		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <b>JUN 27 2018</b> </div>	
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MR MICHAEL BERG  
 BOULDER CREEK DEVELOPMENT COMPANY  
 4300 CANNONBURG ROAD  
 BELMONT MI 49503

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