



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



GRETCHEN WHITMER  
 GOVERNOR

LIESL EICHLER CLARK  
 DIRECTOR

October 2, 2020

VN No. VN-011095

VIA E-MAIL AND U.S. MAIL

Mr. Mike Womack, City Manager  
 City of Cedar Springs  
 P.O. Box 310  
 Cedar Springs, Michigan 49319

Dear Mr. Womack:

SUBJECT: Part 201 Facility Notification and Part 22 Rules Request  
 EGLE Groundwater Discharge Permit No. GW1810233  
 Designated Name: Cedar Springs WWTP

On February 13, 2020, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), received monitoring well sampling results indicating environmental contamination is present at the City of Cedar Springs (City), Cedar Springs Wastewater Treatment Plant (WWTP) former lagoon area located at 730 West Court Street NE, including parcels 725, 750, and 755 West Court Street NE, and the current discharge fields located at 4482 and 4550 Indian Lakes Road NE, Cedar Springs, Michigan 49319. Michigan’s environmental cleanup law, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the Part 22, Groundwater Quality, administrative rules promulgated pursuant to Part 31, Water Resources Protection, of the NREPA (Part 22 Rules), identify actions or precautions a person needs to take with respect to environmental contamination. Owners and operators of contaminated property may have responsibilities associated with that contamination.

Sample results identified groundwater impacts for perfluorooctanoic acid (PFOA) above the applicable criteria contained in the administrative rules of Part 201. The sample results exceeding groundwater protection criteria are summarized below:

Sample Location	Sample Date	Pollutant Parameter	Applicable Limit	Sample Result
MW-3A*	1/21/2020	PFOA	8 ng/l	8.3 ng/l
MW-4A*	1/21/2020	PFOA	8 ng/l	14 ng/l
MW-5A*	1/21/2020	PFOA	8 ng/l	12 ng/l
MW-7A*	1/21/2020	PFOA	8 ng/l	43 ng/l
MW-5**	1/21/2020	PFOA	8 ng/l	10 ng/l

\* Located at the former lagoon area at 725, 730, 750, and 755 West Court Street

\*\* Located at the current discharge field at 4482 and 4550 Indian Lakes Road

### Former Lagoon Area

Groundwater that exceeds the applicable criteria defines a site as a “Facility” under Part 201. **This Violation Notice (VN) serves as formal notification that groundwater at the Cedar Springs WWTP former lagoon area is contaminated above applicable Part 201 criteria**, meaning the Cedar Springs WWTP former lagoon area is a “Facility” as that term is defined by Part 201. By **November 16, 2020**, the City shall submit to EGLE, for review and approval, a work plan for a Remedial Investigation/Feasibility Study at the Cedar Springs WWTP former lagoon area. This work plan shall address contamination at 725, 730, 750, and 755 West Court Street NE, Cedar Springs, Michigan 49319.

Pursuant to Section 20114 of the NREPA, an owner or operator of property who has knowledge that the property is a Facility, and who is liable under Section 20126 of the NREPA, must pursue appropriate response activities to address the release. These response activities include performing remedial investigations pursuant to the requirements of Section 324.20114(1)(a) of Part 201.

Owners and operators who have knowledge their property is a Part 201 Facility need to take certain measures, commonly called due care, to ensure that the 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 Facility in a manner that protects the public health and safety;
- Taking reasonable precautions against the reasonably foreseeable acts or omissions of a third party;
- Providing cooperation and access to authorized persons to conduct response activities; and
- Complying with any land use or resource use restrictions in connection with response activities.

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

Persons liable under Part 201 are required to take steps to clean up the contamination. These steps are found in Section 20114 of Part 201, and 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 EGLE and affected neighbors if contamination has migrated off the property;
- Delineating the extent of the contamination; and
- Undertaking the cleanup of the contamination.

### Current Discharge Fields

Concentrations of PFOA in groundwater have been identified above applicable Part 201 criteria in a compliance monitoring well (MW-5) adjacent to the City's groundwater discharge site. This exceedance of applicable Part 201 criteria is a violation of Rule 323.2204 and therefore constitutes a violation of the City's permit. In addition, numerous residential wells in the area have had detections of PFOA above applicable criteria. EGLE is requesting that the City conduct additional hydrogeologic investigation in the vicinity of its groundwater discharge site to determine the extent of groundwater impacted by PFOA compounds. This request is being made pursuant to Rule 323.2227(2)(e). Rule 323.2227(2) states that "*If the department determines that a limit on the concentration of a substance in effluent or groundwater has been exceeded, then the department may require the discharger to undertake one or more of the following.*" Subpart (e) of Rule 323.227(2) states that the permittee may be required to "*Define the extent to which groundwater quality exceeds the applicable criteria*" under section 20120a(1)(a). A work plan for the hydrogeologic investigation of the current discharge fields is requested by **November 16, 2020**.

EGLE acknowledges that City's WWTP was not a generator or user of per- and polyfluoroalkyl substances (PFAS), provides an important public service to the community, and likely received typical levels of PFAS from users of its system consistent with other similarly situated municipal wastewater treatment facilities throughout the state. These factors; however, do not negate the City's responsibility to act upon new information and take reasonable and appropriate steps to evaluate the extent of the contamination in order to insure the protection of public health from the former lagoon site and discharge fields.

If the City has any questions regarding the content of this VN, including questions pertaining to its requirements in addressing Part 201 or Part 22 requirements, please contact Mr. Eric Chatterson, Geology Specialist, Groundwater Permits Unit, WRD, at 517-241-1358; ChattersonE@Michigan.gov; or EGLE, P.O. Box 30473, Lansing, Michigan 48909-7973. Please direct all work plans and future correspondence regarding Part 201 and the Part 22 Rules to Mr. Chatterson.

EGLE encourages that City representatives become familiar with Part 201 and the Part 22 Rules, and requests that the City take the necessary steps to comply with the provisions of

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the law that may apply. The City may want to confer with an environmental consultant to assist in complying with the provisions of Part 201 and the Part 22 Rules.

The explanations of Part 201 and the Part 22 Rules in this VN should not be considered a complete listing of the City's legal obligations under the law. The Part 201 statute and rules can be found in its entirety at the EGLE Web site: [www.michigan.gov/egle](http://www.michigan.gov/egle), by clicking on 'Land,' 'Remediation,' then 'Site Investigation and Remediation.' The Part 22 Rules can be found at: <http://www.deq.state.mi.us/documents/deq-wmd-gwp-part22.pdf>.

Information used to prepare this VN is located at EGLE's Grand Rapids District Office located at State Office Building, 5<sup>th</sup> Floor, 350 Ottawa Avenue NW, Unit 10, Grand Rapids, Michigan 49503-2316. If the City wishes to review file information or meet with EGLE staff, COVID-19 protocols require that meetings and other communications be done by remote means such as by phone, e-mail, or online meetings.

If the City has factual information it would like EGLE to consider regarding this VN, please provide this with the City's written response due **November 16, 2020**.

Compliance with the terms of this VN does not relieve the City of any liability, past or present, from the failure to meet the conditions specified in, or failure to comply with, EGLE Groundwater Discharge Permit number GW1810233, Part 201, and the Part 22 Rules.

Sincerely,



Stephanie Kammer, Manager  
Emerging Pollutants Section  
Water Resources Division  
517-897-1597

cc: Mr. Bill LaRose, City of Cedar Springs  
Mr. Jon Russell, EGLE  
Ms. Abigail Hendershot, EGLE  
Mr. Michael Worm, EGLE  
Mr. Thomas Berdinski, EGLE  
Mr. Eric Chatterson, EGLE  
Ms. Leslie Sorensen, EGLE  
Ms. Karen Vorce, EGLE