



Cedar Springs City Hall
66 S. Main St. PO Box 310
Cedar Springs, MI 49319

November 16, 2020

Via Email and U.S. Mail
chattersone@michigan.gov

Mr. Eric Chatterson
Michigan Department of Environment, Great Lakes and Energy
Water Resources Division
525 West Allegan Street
PO Box 30473
Lansing, MI 48909-7973

RE: **EGLE October 2, 2020 Violation Notice VN-011095 (Violation Notice)**

Dear Mr. Chatterson:

This letter responds to the Violation Notice within the deadline set forth therein. The response below addresses the allegations in the order and with the headings set forth in the Violation Notice.

Former Lagoon Area. In the Violation Notice, EGLE alleges that the area of property commonly referenced as the wastewater pretreatment plant former lagoon area and addressed as 725, 730, 750 and 755 West Court Street is a "facility" as defined in Part 201 of Michigan's Public Act 451 of 1994, as amended (Part 201). This allegation is based on groundwater samples collected by the City on January 21, 2020 from groundwater monitoring wells previously installed by the City as part of the former lagoon closure activities. The January 21, 2020 samples were analyzed for per- and polyfluoroalkyl (PFAS) substances, at EGLE's request. The laboratory data identified one PFAS compound (perfluorooctanoic acid, PFOA) in four of the wells in concentrations nominally above its new drinking water cleanup criterion effective as of August 2, 2020. Prior to August 2, 2020, none of the PFOA concentrations from any of these wells exceeded cleanup criteria under Part 201. In connection with its allegation, EGLE requires the City to submit a work plan for a remedial investigation and feasibility study for the referenced sample results. Enclosed is a work plan for a Remedial Investigation/Feasibility Study prepared by Fishbeck, the City's environmental consultant. Per the Violation Notice, the document is in draft form pending EGLE's review and approval. The City will proceed with the activities described in the work plan upon your approval.

Current Discharge Fields. The City currently discharges wastewater to discharge fields located south of the former lagoon area and addressed as 4482 and 4550 Indian Lakes Road pursuant to Groundwater Discharge Permit No. GW1810233 (Permit). Also on January 21, 2020 in response to EGLE's request, the City collected groundwater samples from multiple groundwater monitoring wells associated with the discharge fields. One sample from one well (MW-5, a compliance well per the Permit) identified one PFAS compound (PFOA) nominally (2 parts per trillion) above its new drinking water cleanup criterion effective August 2, 2020. As with the samples from the former lagoon area, the PFOA concentration in this well did not exceed cleanup criteria under Part 201 prior to August 2, 2020. In the Violation Notice, EGLE alleges that the City is violation of the Permit based on this sample and requests that the City prepare for EGLE review a work plan for a hydrogeological investigation of the discharge fields.

The City respectfully disagrees with EGLE's assertion that the City is in violation of its Permit. The Permit was issued to the City under Rule 323.2218 of the Part 22 Administrative Rules under Part 31 of Public Act 451 of 1994, as amended. Rule 323.2204(f) provides as follows:

Except for a discharge authorized under R 323.2222(7)(b) or R 323.2224(2), the discharge shall not create a facility as defined in Part 201. A discharge authorized under R 323.2218 for which compliance is measured only in groundwater will not be considered a facility under this provision based on a measurement between the point of discharge and a point of compliance determined according to R 323.2224(1).

Rule 323.2224(1) provides for a monitoring location that is located on property owned by and under control of the discharger, provides a practicable and effective point of measurement, and is no more than 150 feet from the point of discharge. MW-5 is a compliance monitoring well that meets the Rule 2224(1) criteria. Therefore, the PFOA identified (barely) above its cleanup criterion satisfies the exception in Rule 323.2204(f), and the result does not support EGLE's request under Rule 323.2227(2) as the PFOA was measured between the point of discharge and the compliance point at MW-5. In addition, the City disagrees that one sample from one well with one result only 2 parts per trillion above its new drinking water cleanup criterion justifies the implementation of a hydrogeological investigation.

Without waiving its position, the City plans to resample compliance monitoring well MW-5 for PFAS within 30 days of the date of this letter. On behalf of the City, Fishbeck will collect the groundwater sample from MW-5 in accordance with the EGLE January 2020 PFAS sampling plan utilized in connection with the January 2020 sampling event. The City will provide EGLE with the laboratory data upon the City's receipt and review and will subsequently contact EGLE regarding the City's interpretation of the data and next steps, as applicable.

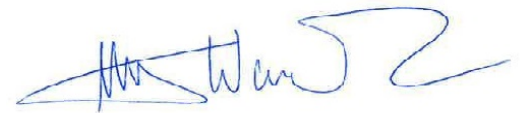
Please contact me with any questions. The City looks forward to working with EGLE to address these matters.

Enclosure

Cc: Tim Patterson, Fishbeck *Via email*

Mary Jane Rhoades, Rhoades McKee *Via email*

Sincerely,



Mike Womack City Manager
City of Cedar Springs
66 S Main St, Cedar Springs, MI 49319
manager@cityofcedarsprings.org