



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

December 8, 2020

VIA EMAIL

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

Dear Mr. Womack:

SUBJECT: November 16, 2020 Response to Violation Notice No. VN-011095
Part 201 Facility Notification and Part 22 Rules Request
EGLE Groundwater Discharge Permit No. GW1810233
Designated Name: Cedar Springs WWTP

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), has reviewed the City of Cedar Springs (City) November 16, 2020, response to Violation Notice (VN) No. VN-011095 and finds the response inadequate and unacceptable.

The VN summarized monitoring well sampling results indicating environmental contamination 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. The sample results identified groundwater impacts for perfluorooctanoic acid (PFOA) above the applicable criteria contained in the administrative rules of 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).

The VN provided 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. The VN required that the City submit to EGLE, for review and approval, a work plan for a Remedial Investigation/Feasibility Study at the Cedar Springs WWTP former lagoon area. The VN also notified the City that concentrations of PFOA in groundwater were 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 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 requested 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 pursuant to Rule 323.2227(2)(e).

The City's November 16, 2020, response to the VN is unacceptable for the following reasons:

1. Former lagoon area – The City's work plan proposes to review existing documents with no active investigation of the groundwater plume. This is not an acceptable response. The City must identify the nature and extent of contamination and propose effective mitigation strategies to protect human health and the environment.
2. Current discharge fields – The City argues that they are not currently in violation of their groundwater discharge permit. The City cites Rule 2204(f) as supporting their argument. The current discharge fields authorized under the City's groundwater discharge permit can only meet the criteria under this rule if they meet the requirements under Rule 2222(7)(b) or Rule 2224(2). The current discharge fields do not meet the requirements under either, as follows:

Rule 2222(7)(b) allows the department to approve alternative discharge standards if groundwater affected by the discharge vents to surface water and all of the requirements (i) through (v) are met. Under Rule 2222(7)(b)(v), if groundwater affected by the discharge vents greater than 1,000 feet from the point of discharge, the discharger must own all of the property between the point of discharge and the point of venting. Based on the groundwater flow maps and property boundaries, groundwater affected by the current discharge fields vents beyond 1,000 feet and the City does not own all of the property between the point of discharge and the point of venting.

Rule 2224(2) allows the department to approve alternative groundwater monitoring locations to determine compliance if all requirements (a) through (h) are met. Rule 2224(2)(c) requires the substance to be measured in the groundwater be either of the following (i) a metal or other inorganic substance or (ii) a substance that the applicant demonstrates can be treated by the actions of soil, soil microorganisms, or plants. PFOA does not meet either requirement. In addition, Rule 2224(h) requires all groundwater affected by the discharge that exceeds the Part 22 standards be located outside of a designated wellhead protection zone. The current discharge fields are located within a wellhead protection zone.

An acceptable response to the VN is required. Therefore, on or before January 15, 2021, the City shall submit to EGLE, for review and approval, a revised work plan for a Remedial Investigation/Feasibility Study at the Cedar Springs WWTP former lagoon area addressing the concerns identified in Item 1 above.

Also, on or before January 15, 2021, the City shall submit the work plan for the hydrogeologic investigation in the vicinity of its current groundwater discharge site to determine the extent of groundwater impacted by PFOA compounds that was required by VN-011095.

If the City has any questions regarding the content of this letter, 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.

Sincerely,



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

sk/tb/llr

cc: Mr. Bill LaRose, City of Cedar Springs (via email)
Ms. Abigail Hendershot, RRD, EGLE (via email)
Ms. Karen Vorce, RRD, EGLE via email
Mr. Jon Russell, WRD, EGLE (via email)
Mr. Michael Worm, WRD, EGLE (via email)
Mr. Thomas Berdinski, WRD, EGLE (via email)
Mr. Eric Chatterson, WRD, EGLE (via email)
Ms. Sydney Ruhala, WRD, EGLE (via email)