



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
GRAND RAPIDS DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

November 22, 2021

Second Violation Notice No. SVN-01124

VIA E-MAIL

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

Dear Mr. Womack:

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

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), issued Violation Notice No. VN-011095, to the City of Cedar Springs (City) on October 2, 2020, in response to violations of Michigan's environmental cleanup law, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); the Part 22, Groundwater Quality, Administrative Rules promulgated pursuant to Part 31, Water Resources Protection, of the NREPA (Part 22 Rules); and Groundwater Discharge Permit No. GW1810233. The Violation Notice served as the formal notification that groundwater at the former Cedar Springs Wastewater Treatment Lagoons Site located at 730 West Court Street, NE, including parcels 725, 750, and 755 West Court Street, NE, is contaminated above applicable Part 201 criteria for perfluorooctanoic acid (PFOA), meaning the City's former Wastewater Treatment Lagoons Site is a "Facility" as that term is defined by Part 201 of the NREPA. The Violation Notice requested that by November 16, 2020, the City submit to EGLE, for review and approval, a work plan for a Remedial Investigation/Feasibility Study (RI/FS) at the City's former Wastewater Treatment Lagoons Site.

Further, the Violation Notice notified the City that concentrations of PFOA in groundwater above applicable Part 201 criteria have been identified in a Compliance Monitoring Well (MW-5) adjacent to the City's current Wastewater Treatment Plant (WWTP) Groundwater Discharge Site, which is a violation of Rule 323.2204 and therefore constitutes a violation of Groundwater Discharge Permit No. GW1810233. In addition, numerous residential wells in the area have had detections of PFOA above applicable criteria. The Violation Notice requested that by November 16, 2020, the City submit to EGLE, for review and approval, a work plan for the hydrogeologic investigation of the City's current WWTP Groundwater Discharge Site to determine the extent of groundwater impacted by Per- and Polyfluoroalkyl Substances (PFAS) pursuant to Rule 323.2227(2)(e).

**The City has not provided an adequate response to Violation Notice No. VN-011095.**

On November 16, 2020, the City submitted a response to the Violation Notice. The City's response was determined to be inadequate and unacceptable, as outlined in the letter dated December 8, 2020, issued to the City by EGLE. The letter requested by January 15, 2021, 1) a revised work plan for an RI/FS at the former Cedar Springs Wastewater Treatment Lagoons Site and 2) a work plan for the hydrogeologic investigation in the vicinity of the current Cedar Springs WWTP Groundwater Discharge Site to determine the extent of groundwater impacted by PFAS. EGLE granted an extension for the work plans to February 15, 2021, per the City's request.

On February 15, 2021, the City submitted a work plan for the former Cedar Springs Wastewater Treatment Lagoons Site, as well as the results of the implemented November 16, 2021, draft work plan for the current Cedar Springs WWTP Groundwater Discharge Site, which was not approved by EGLE. As noted in an e-mail from EGLE to the City dated February 16, 2021, the February 15, 2021, RI/FS work plan for the former Cedar Springs Wastewater Treatment Lagoons Site was inadequate to fulfill the requirements of an RI/FS study, which must define the nature and extent of contamination at the site. Further, EGLE notified the City that the work completed at the current Cedar Springs WWTP Groundwater Discharge Site was inadequate and that an active hydrogeologic investigation, including the installation of monitoring wells, was required to define the extent of contamination in the groundwater.

On March 2, 2021, EGLE and the City participated in a conference call to discuss the inadequacies of the February 15, 2021, work plan for the former Cedar Springs Wastewater Treatment Lagoons Site and what requirements were still needed. EGLE provided additional clarification to the City in an e-mail on March 9, 2021. EGLE provided a 45-day extension for a revised RI/FS work plan for the former Cedar Springs Wastewater Treatment Lagoons Site and agreed to a "paused approach" regarding the active hydrogeologic investigation at the current Cedar Springs WWTP Groundwater Discharge Site. The "paused approach" would entail ongoing sampling of the existing monitoring wells at the current Cedar Springs WWTP Groundwater Discharge Site for PFAS for a limited timeframe until the City could complete the required active investigation. EGLE later granted two extensions for the RI/FS work plan to June 15, 2021, and then to July 30, 2021, per the City's request.

On September 2, 2021, the City submitted an RI report to EGLE for the former Cedar Springs Wastewater Treatment Lagoons Site instead of the requested RI/FS work plan. The RI report as submitted is not approvable, due to its inability to define the nature and extent of contamination at the former lagoon area, as outlined in the enclosed disapproval letter (Enclosure A).

The violation(s) identified in Violation Notice No. VN-011095 are continuing. The violations identified in the Violation Notice are violations of Part 201 and the Part 22 Rules of the NREPA, and Groundwater Discharge Permit No. GW1810233.

The City shall take immediate action to achieve and maintain compliance with the terms and conditions of Part 201 and the Part 22 Rules of the NREPA and Groundwater Discharge Permit No. GW1810233.

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**Please submit to EGLE an RI/FS work plan for the former Cedar Springs Wastewater Treatment Lagoons Site, for review and approval, by January 3, 2022.** At a minimum, the work plan shall define the full nature and extent of contamination at the site and address any other obligation the City has under Part 201 of the NREPA, including sampling of any additional residential wells downgradient of the known contamination plume at the former Cedar Springs Wastewater Treatment Lagoons Site that may present a potential exposure risk.

If you have any factual information you would like to share with us regarding the violations identified in this Second Violation Notice, please provide them with your written response.

Compliance with the terms of this Second Violation Notice does not relieve the City of any liability, past or present, from failing to meet the conditions specified in, or failing to comply with, EGLE Groundwater Discharge Permit No. GW1810233, and Part 201 and the Part 22 Rules of the NREPA.

The WRD reserves its right to take all necessary and appropriate enforcement actions for all violations observed to-date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs, injunctive relief, and potential criminal prosecution.

Due to the severity of the noncompliance, the matter is being considered for escalated enforcement.

We anticipate and appreciate the City's cooperation in resolving this matter. Should the City require further information regarding this Second Violation Notice or the City would like to arrange a meeting to discuss it, please contact Mr. Eric Chatterson, Geology Specialist, Groundwater Permits Unit, WRD, at 517-241-1358; [ChattersonE@Michigan.gov](mailto:ChattersonE@Michigan.gov); or EGLE, WRD, Emerging Pollutants Section, P.O. Box 30473, Lansing, Michigan 48909-7973.

Sincerely,



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

sk/sea

Enclosure: Disapproval Letter for RI report submitted on September 2, 2021

cc: Mr. Bill LaRose, City of Cedar Springs (electronic)  
Ms. Abigail Hendershott, MPART  
Mr. Jon Russell, EGLE  
Mr. Dave Pingel, EGLE  
Mr. Michael Worm, EGLE  
Ms. Sydney Ruhala, EGLE  
Mr. Eric Chatterson, EGLE  
Ms. Karen Vorce, EGLE