



November 18, 2011

Mr. Jason Casteel
City of Saginaw Waste Water Treatment Division
Environmental Compliance
2406 Veterans Memorial Parkway
Saginaw, Michigan
U.S.A. 48601

Dear Mr. Casteel:

Re: Termination of Wastewater Discharge
GMPT Saginaw Malleable Iron (SMI), Saginaw, Michigan

This letter is submitted on behalf of the Revitalizing Automotive Community Environmental Response (RACER) Trust and has been prepared in response to your September 26, 2011 letter regarding sewer bulkheading. We apologize for the delay in submitting this response. The City of Saginaw's (City) September 26, 2011 letter requests that the installation of bulkheads be completed properly (i.e. no discharge to the City's sewer) in order for the City to terminate the requirements of the discharge permit. The City's letter references 42" and 24" sewer bulkheads. We understand these to be at the locations of manholes/chambers FEE14.6 and FA19.5, respectively.

42-Inch Bulkhead (near FEE 14.6)

A bulkhead was installed in August 2011 in the 42-inch sewer (near FEE14.6) where it discharges into the 60-inch sewer. The bulkhead installation consisted of the following (see photographs dated August 26, 2011):

- Excavate and expose the pipe
- Cut into the pipe
- Place cement bags in upstream side of pipe to keep water out of pipe (cement bags left in place)
- Install standard brick bulkhead on downstream side placing bricks lengthwise and grout in place with mortar

- Fill 3-4 feet of pipe between cement bags and brick bulkhead with 2 cubic yards of concrete
- Backfilled excavation on August 29, 2011

On August 1, 2011 CRA completed an inspection of the bulkhead installed in the 42-inch sewer near FEE14.6. Seepage was observed coming through the bulkhead as seen on the photograph dated August 31, 2011. On September 13, 2011, the bulkhead was repaired using Waterplug and hydro-cement to seal the entire bulkhead outer wall, with extra material packed along the bottom of the pipe (see photographs dated September 23, 2011). The repair was inspected 10 days later and no seepage was observed. We believe that the bulkhead, as installed, is consistent with the attachments to the City's letter dated September 26, 2011. With this letter, we request relief from the procedure identified in your September 26, 2011 letter, since the bulkhead has been repaired, re-inspected following repair, and is not discharging into the City sewer.

The current bulkhead installation is consistent with standard construction practice for sewer bulkheading. In addition, the bulkheading procedure provided in your letter is more extensive than identified in the attachments to your letter (removal of a section of pipe, bulkhead both ends, and epoxy both ends).

24-Inch Bulkhead (near FA19.5)

A bulkhead was installed in the 24-inch sewer upstream of manhole FA19.5. The bulkhead installation was completed on June 9, 2010 during the demolition activities and consisted of the following:

- excavate and expose the pipe
- cut out a section of exposed pipe
- install circular concrete disc in each side of the exposed pipe braced using bricks
- filled the annular space between the concrete discs with concrete
- backfill excavation

On August 30, 2011, CRA and the City inspected all the manholes where bulkheads were previously installed. The only location of concern identified during the inspection was at manhole FA19.5 where flow was observed. It is important to note that the invert of the 24-inch pipe is approximately 12 feet below ground surface which is below the water table. The bulkhead at FA19.5 was replaced the week of October 24, 2011 consistent with the City procedures outlined in the September 23, 2011 letter (see photographs dated October 24, 2011).

We believe that the work as completed meets the objective of terminating discharges to the City sewer system. We appreciate your concerns and believe that our efforts corrected the leak from 42 inch bulkhead and with your input have properly terminated the connection to the 24 inch sewer. Consequently we believe we meet the conditions for termination of the discharge permit and as that you take the necessary actions to terminate the permit.

November 18, 2011

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If you have any further questions please let me know.

Thank you for your consideration in this matter.

Yours truly,



Grant Trigger
Michigan Cleanup Manager

Encl.

cc: Jeanette Best - City of Saginaw
Kimberly Mason - City of Saginaw
Dave Favero - RACER
Michael Tomka - CRA

ATTACHMENT 1
PHOTOGRAPHIC LOG



PHOTOGRAPH LOG
MANHOLE/CHAMBER FEE 14.6 (AUGUST 26, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FEE 14.6 (AUGUST 26, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FEE 14.6 (AUGUST 26, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FEE 14.6 (AUGUST 31, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FEE 14.6 (SEPTEMBER 23, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FA 19.5 (OCTOBER 24, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FA 19.5 (OCTOBER 24, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FA 19.5 (OCTOBER 24, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan





PHOTOGRAPH LOG
MANHOLE/CHAMBER FA 19.5 (OCTOBER 24, 2011)
FORMER SAGINAW MALLEABLE IRON PLANT
Saginaw, Michigan



ATTACHMENT 2
CONSENT ORDER



WARNER NORCROSS & JUDD LLP
ATTORNEYS AT LAW
 900 Fifth Third Center
 111 Lyon Street, N.W.
 Grand Rapids, Michigan 49503-2487

File - Powertrain -
SME - Sewer
Investigation -
Count Order

Main Switchboard
616.752.2000

Fax Numbers
616.222.2128
616.752.2500

Fax Cover Sheet

Date:	June 16, 2004	Pages:	8, including this cover sheet
To:	Anthony P. Thrubis General Motors Corporation	Fax Number:	313-665-4896
		Telephone:	313-665-4768
To:	Lisa Coffee VBL Company	Fax Number:	315-446-8053
		Telephone:	315-446-2570 x164
From:	Michael L. Robinson Warner Norcross & Judd LLP	Direct Dial:	616.752.2128
		Direct Fax:	616.222.2128
Client Number:	28691.61662	Email:	mrobinson@wnj.com
Remarks:			

Confidentiality Notice The attached information is intended ONLY for the named addressee. It may contain confidential or privileged communications. If you receive this fax in error, you are requested to destroy it and contact the sender.

**CITY OF SAGINAW
DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND WATER SYSTEM MANAGEMENT
WASTEWATER TREATMENT DIVISION**

IN THE MATTER OF:

**General Motors Corporation
Powertrain Division
Saginaw Malleable Iron Plant**

**Non-Domestic Sewer User
Permit No. 10**

CONSENT ORDER

This Consent Order is entered into between the City of Saginaw ("City") and General Motors Corporation, Powertrain Group, Saginaw Malleable Iron Plant ("SMI") of 77 West Center Street, Saginaw, Michigan, with respect to the following:

1. The City operates a Publicly Owned Treatment Works ("POTW") under the authority of federal and state laws and regulations, including its National Pollutant Discharge Elimination System ("NPDES") permit, issued pursuant to the Federal Water Pollution Control Act or "Clean Water Act" (33 USC 1251 et seq) and the Michigan National Resources and Environmental Protection Act (Act 451 of the Public Acts of 1994).

2. SMI is an industrial user of the City's sewerage collection and treatment system ("sewerage system") and is subject to the legal authorities which govern its use.

3. The City's sewage user/disposal ordinance ("SUO"), being Article 3-1 of Chapter 5 of the Saginaw General Code, regulates users' discharges to the POTW. The SUO provides for special agreements with the users of the POTW. In addition, the City, as the Control Authority, as defined in Michigan Administrative Code R 323.2302(j), has the enforcement discretion to enter into this Consent Order and to agree to its terms.

4. This Consent Order is being issued to and entered into with SMI, without prejudice to any defenses it may have to any other enforcement actions by the City or any other person or entity because of polychlorinated biphenyl ("PCB") discharges and other PCB-related issues at SMI. SMI has performed extensive minimization work, including but not limited to:

- a. Extensive sampling and cleaning of plant sewers;
- b. Replacement, repair, in-situ lining and slip lining of several plant sewers;

- c. Removal and proper disposal of PCB contaminated material and PCB-containing equipment from the SMI site;
- d. Installation and operation of a satellite oil/water separator with an intermediate tank, clay prefilter and a dual carbon treatment unit in the melting area; and
- e. Installation and operation of a carbon treatment unit and oil/water separator in the LNAPL recovery area.
- f. Installation and operation of a Recycle Water Treatment Facility.
- g. Removal of sediment in the I27.7 area sewers during the period from December 18, 2000, through December 28, 2000, and a sewer video survey on December 27, 2000.

5. Based on the knowledge of both parties, as of the date of this Order, no documented interference or pass through has occurred at the POTW that can be attributed to PCB discharges from SMI relative to the time period that PCBs have been detected at SMI sewer sampling locations since November 1994.

6. SMI has implemented and completed a 42-inch, 48-inch, and 60-inch Process Sewer Cleaning Work Plan. SMI has implemented and completed the Additional Sewer Investigation Plan, which was submitted to the City. Prior to the issuance of this Consent Order, SMI submitted to the City a plan to minimize the contribution of PCBs from soils to the sewer in the 127.7 area, as indicated in said plan. SMI has implemented and completed those activities substantially in accordance with the plan. SMI also submitted to the City a Feasibility Analysis.

7. Out of 297 samples taken from January 1, 2001, through October 24, 2001, only eight were above 0.1 micrograms per liter. Numerous wet weather events occurred during that same time period. As a result of the work described in paragraph 4 and paragraph 6, PCB discharges have been minimized.

8. This Consent Order is issued under the authority of 40 CFR 403.8; Michigan Administrative Code R 323.2306; and Sections 3-115 and 3-117 of Chapter 5 of the Saginaw General Code, in addition to other laws which may authorize the issuance of this Consent Order. SMI makes no admissions of fact or law or of any liability regarding anything in this Consent Order, except that Sections 9 through 12 of this Consent Order may be enforced by the City and SMI. SMI (and General Motors Corporation) make no admission that 0.1 micrograms per liter is a valid or appropriate or legal detection limit for PCBs, that a detection limit should be used at all with respect to PCBs, or any other matter related to the use of 0.1 micrograms in connection with this Consent Order. Wherever 0.1 micrograms per liter is referred to in this Consent Order, that number shall be adjusted upwards if there is sample matrix interference.

9. IT IS AGREED AND ORDERED that the City waives any and all claims or causes of action it may have against SMI, its officers, directors, agents, or employees related to

i) the Compliance Order dated November 3, 1997, ii) the letter from the City to SMI dated December 22, 1997, and iii) other matters concerning discharges through the expiration date of this Consent Order of PCBs and PCB-containing material by SMI to the City sewerage system and POTW, except for natural resource damage claims and contribution claims for natural resource damages and except as reserved in paragraph 11a. In the event a claim is brought by a third party (who has not been encouraged or aided by the City in bringing or prosecuting the claim) against the City regarding the discharge of PCBs or PCB-containing material by SMI to the POTW, the City's rights to bring a claim against SMI in such a proceeding are not waived under this paragraph 9.

10. IT IS FURTHER AGREED AND ORDERED that General Motors Corporation shall pay the sum of Two Hundred Forty Seven Thousand Five Hundred Dollars (\$247,500) to the City of Saginaw in settlement of this matter, as a reimbursement of all costs and expenses incurred by the City related to PCB discharges and other PCB-related matters at SMI through the expiration date of this Consent Order. Assessment of costs is authorized by Section 3-212 of Chapter 5 of the Saginaw General Code and other applicable state and federal laws and regulations. This \$247,500 payment is not a penalty or fine. The \$247,500 shall be paid by SMI as follows:

- a. The delivery of a General Motors vehicle (newest available model year) to the City for use by the City's Environmental Compliance Office. The City shall notify SMI within thirty (30) days after the effective date of this Consent Order which vehicle model it has chosen. The City shall hold title to the vehicle and shall have complete ownership and responsibility for it. The vehicle will be either a new unused vehicle or a vehicle driven for a short period by General Motors employees with low mileage. If the vehicle is a new unused vehicle, SMI will receive a credit against the \$247,500 equal to the Manufacturer's Suggested Retail Price plus any applicable taxes and delivery and preparation charges. If the vehicle has been used by General Motors employees, the credit against the \$247,500 shall be equal to the fair market retail value of the vehicle as determined by the standard formula used by General Motors for sale of such vehicles. Delivery of the vehicle to the City shall occur as soon as practicable after the City specifies to SMI the vehicle the City has chosen.
- b. The payment of the balance of the \$247,500 after deducting the credit in (a), by check payable to the City, within sixty (60) days after the effective date of this Consent Order.
- c. For each successive 12-month renewal term of this Consent Order, SMI shall pay to the City \$7,500 as a reimbursement to the City for its oversight costs. The City reserves the right to seek more than \$7,500 for such periods but SMI reserves all of its substantive and procedural rights and defenses regarding the City's attempt to

recover more than the \$7,500 payment. In any event, the \$7,500 shall be credited against any amount owed.

11. IT IS FURTHER AGREED AND ORDERED that:

- a. SMI shall continue to monitor for PCBs as described in this subparagraph through the expiration date of this Consent Order and shall submit monthly reports to the City which contain the monitoring data for the previous month. For the 13-week period after the effective date of this Consent Order, SMI shall monitor for PCBs once per week. Unless the data for CFD-02 (which shall be the data deemed to apply at CFD-02 as described in this subparagraph) shows more than one result greater than 0.1 micrograms per liter PCBs during that 13-week period, SMI shall monitor for PCBs once per month for the remainder of the life of this Consent Order (including renewal periods). If, during that 13-week period, the data for CFD-02 (which shall be the data deemed to apply at CFD-02 as described in this subparagraph) has more than one result greater than 0.1 micrograms per liter then SMI shall continue to monitor for PCBs once per week until five (5) consecutive weekly samples are at or below 0.1 micrograms per liter, at which point SMI shall change to monitoring for PCBs once per month. As long as the 60" sewer in Salt Street discharges through CFD-01 and the sewers from the property adjoining SMI currently owned by Delphi Automotive ("Delphi Site") eventually discharge through CFD-02, SMI shall include in its monitoring for PCBs samples from the new manhole at the 42" sewer line ("CFD-06") and from CFD-01. Those samples shall be taken at the same frequency and on the same day as samples taken at CFD-02. If discharges from the 60" sewer in Salt Street cease to be discharged through CFD-01 and there is a physical disconnection or plug to prevent water from traveling to CFD-01 from that 60" sewer, then monitoring at CFD-01 shall cease. If discharges from the Delphi Site cease to be discharged through CFD-06 and there is a physical disconnection or plug to prevent water from traveling past CFD-06, then monitoring at CFD-06 shall cease. If any sample result from CFD-06 or from CFD-01 shows PCBs at detectable levels (using 0.1 micrograms as the detection level) then CFD-02 shall be deemed to be below detectable levels, for that sample result for that same day, regardless of the sample result for that same day at CFD-02. If both the CFD-06 sample result and the CFD-01 sample result are below detection (below 0.1 micrograms per liter) then the actual sample result at CFD-02 shall be considered the datum for CFD-02 for that sample for that day. If the City has independent data or information to show that the PCBs represented by a sample result above 0.1 micrograms per liter at CFD-02 (for a particular day and

sample result obtained after the effective date of this Consent Order) are exclusively from PCB sources other than sources upstream of either CFD-01 and CFD-06, then the City may assert, subject to all defenses and contrary information and data that SMI may assert, that CFD-02 had sufficient PCBs to be above 0.1 micrograms per liter from sources other than those upstream of CFD-01 and CFD-06. The City reserves the right to sample for PCBs at CFD-06, CFD-01, and CFD-02 in association with wet weather events. The City, upon written request from SMI, may agree to a lesser frequency of such monitoring or a termination of such monitoring.

b. Notwithstanding anything in this Consent Order, the City and SMI reserve the following rights:

- 1) If PCB monitoring data (expressed as described in subparagraph 11a) at CFD-02 shows a pattern of significant and material increases in PCB discharges after the effective date of this Consent Order, compared to the monitoring data for January 1, 2001, through October 24, 2001; or
- 2) If monitoring data (obtained after all sewers at the Delphi Site are disconnected or plugged so they no longer discharge to sewers that eventually lead to CFD-02) up-pipe from CFD-02 indicates the continued presence of PCBs in SMI sewers that discharge through CFD-02; or
- 3) If the City, pursuant to the terms and conditions of its PCB Minimization Program, concludes that additional monitoring is required, then

the City reserves all of its rights to require SMI to increase the PCB monitoring frequency at any location on the SMI site, including but not limited to CFD-02, or to require SMI to take action to further minimize PCB discharges to the sewerage system. If such rights are exercised by the City, SMI reserves, and shall have available to it, all substantive and procedural rights and defenses SMI would have in the absence of this Consent Order regarding the City's attempts or actions to require SMI to increase such PCB monitoring frequency or to take such further actions.

c. The appeal and request for hearing filed by SMI regarding the permit issued by the City on August 27, 1999, and the contested terms of that permit are stayed until the earlier of (i) the expiration date of this Consent Order; or (ii) a date mutually agreed upon by the City and SMI. The expiration of the stay described in the

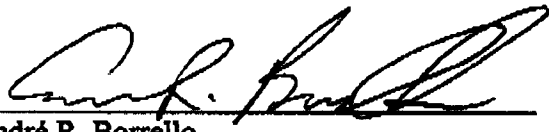
preceding sentence does not affect any continuing stay of permit provisions that otherwise applies to the permit provisions which are the subject of the appeal and request for hearing. The City will not issue another permit to SMI with provisions related to the contested terms until after all stays end.

12. This Consent Order shall continue for twenty-four (24) months and shall automatically renew for successive 12-month periods unless either party notifies the other in writing at least thirty (30) days prior to the expiration of the current period that this Consent Order shall terminate when the current period ends.

13. Failure to comply with this Consent Order may result in the City of Saginaw seeking appropriate injunctive and/or judicial relief in a court of competent jurisdiction.

For the City of Saginaw

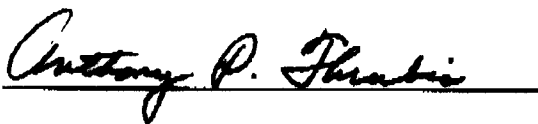

Reed D. Phillips
City Manager


André R. Borrello
Director of Environmental Protection and
Wastewater System Management


Jeanette Best
Superintendent of Wastewater Treatment

Dated: December 3, 2001

For SMI, General Motors Corporation:



ATTORNEY

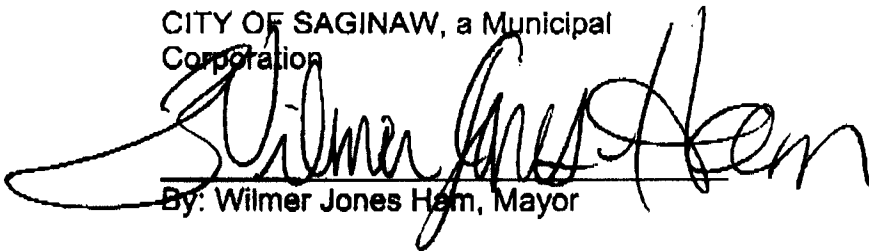
Dated: NOVEMBER 27, 2001

This Consent Order is effective on December 4, 2001.

THIS SIGNATURE PAGE IS AN ATTACHMENT TO THE
CONSENT ORDER
IN THE MATTER OF GENERAL MOTORS CORPORATION
POWERTRAIN DIVISION SAGINAW MALLEABLE IRON PLANT
(Non-Domestic Sewer User Permit No. 10)

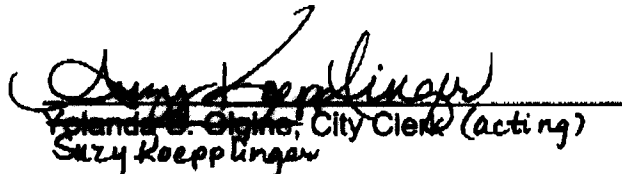
Dated: December 3, 2001

CITY OF SAGINAW, a Municipal
Corporation



By: Wilmer Jones Ham, Mayor

Attest:



Szzy Koepplinger, City Clerk (acting)

Approved as to Substance:



Reed D. Phillips, City Manager

Approved as to Form:



By: Catherine R. Ginster, City Attorney



**Worldwide Facilities Group
Environmental Services**

January 31, 2007

Jason Casteel, Patrick Frazee – City of Saginaw WWTD – Environmental Compliance

RE: Consent Order Quarterly Monitoring schedule at Outfalls CFD-01 and CFD-02 for 2007, GMPT Saginaw Malleable Iron (SMI), Saginaw, MI.

Pursuant to your letter of December 12, 2005, regarding the approval for modification of the the City of Saginaw/General Motors Consent Order. General Motors is will continue to submit quarterly reports containing the PCB monitoring data from Outfalls CFD-01 and CFD-02. General Motors Powertrain –SMI would like to submit the following schedule for sampling and report submittal.

<u>Time Period</u>	<u>Sample Date</u>	<u>Report Submittal Date</u>
1 st Quarter	1-10-07	2-28-07
2 nd Quarter	~4-11-07	5-31-07
3 rd Quarter	~7-18-07	8-31-07
4 th Quarter	~9-19-07	10-31-07

~ approximate dates due to downtime events at facility

The laboratory (Merit) reports will follow the same format as in past Consent order reports as follows. The laboratory detection limit is 0.1µg/L.

<u>Date</u>	<u>Sample Time</u>	<u>CFD-01 (µg/L)</u>	<u>CFD-02 (µg/L)</u>	<u>Flow* (gpd)</u>
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*Flow at CFD-02 in gallons per day

You will note that the reports will follow the same format as the monthly report submittal. I feel that waiting for up to 3 months for analytical is unwarranted. Please note that you will see the same PCB data on for the semi annual report.

If you have any questions or require clarification on the above information please feel free to contact me at 989-757-0920.

Sincerely,

Renee Mietz
General Supervisor Environmental Operations