



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

April 20, 2011

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CRA-DETROIT

CERTIFIED MAIL – 7009 1410 0000 6168 4089

Mr. Robert Hare
Motors Liquidation Company
2100 South Opdyke Road
Pontiac, Michigan 48341

Dear Mr. Robert Hare:

SUBJECT: Audit of Corrective Actions
Location: Former General Motors Corporation
Area of Interest #50 - DUCO Stores – Building 34
660 South Boulevard East, Pontiac, Oakland County, Michigan
Facility ID No. 0-0018277
Confirmed Release Nos. C-0235-90, C-0776-90, and C-1831-91

Under the authority of Section 21315, Leaking Underground Storage Tanks (LUST), of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), the Department of Environmental Quality (DEQ), Remediation Division (RD), has conducted an audit of corrective actions undertaken as a result of a release from an underground storage tank (UST) system at the above-referenced site. The audit was conducted following receipt of a LUST Closure Report (Closure Report) submitted by Conestoga-Rovers & Associates (CRA), Qualified Underground Storage Tank Consultant (QC) and certified by Mr. Thomas Kinney, Certified Professional.

The audit consists of a review of the site file, including the Closure Report submitted by CRA for the above-referenced releases, received October 25, 2010. Based on an audit of the information contained in the file and the Closure Report, the RD **does not** concur with the certification of the QC that corrective actions have been completed in accordance with Part 213 or that the site meets the criteria for a restricted Tier 1 nonresidential closure (formerly Industrial). The reasons for our decision are:

- Compliance with Section 21311a. (1)(a) of the NREPA, and the Risk-Based Corrective Action (RBCA) process which requires that both the maximum contaminant concentrations and the full horizontal and vertical extent of contamination be determined to below Tier 1 Residential Risk-Based Screening Levels (RBSL) as specified in RRD Operational Memorandum No. 1, Attachment 1, has not been accomplished. In fact, an adequate RBCA evaluation (as required) can not be conducted without first identifying all potential source areas, investigating them to determine the maximum contaminant concentrations for all contaminants of concern, and generating data that is relevant reliable and representative.
- The data provided in the Closure Report, upon which CRA has based their justification for closure is not acceptable to the DEQ for that purpose. The data presented in the Closure Report has not been demonstrated to be relevant, reliable or representative of the

contaminant concentrations which may be present on-site. With respect to the pre-1998 data, current DEQ guidance, while not specific to soil data generated prior to the requirement for methanol preservation, does support the statutory and rule provisions that requires analytical data used to document compliance with the provisions of the statute and the cleanup criteria to be relevant, representative, and reliable to define the nature and extent of contamination. It is well documented that contaminant concentrations detected in soil samples collected in 1997 (or earlier) are underestimated, even when collected by persons well versed in the best sample collection techniques at the time.

With respect to the 2008 data, CRA has not demonstrated that the requirements of Method 5035A, were followed with regard to the selection of an appropriate sample preservative. Specifically, CRA has not demonstrated that the use of purified water is appropriate as a preservative for the soil samples collected based on 1) the carbonate content of the soil, and 2) the lack of biological activity in the soil.

To validate the 2008 dataset, it will be necessary to provide information that demonstrates for all samples preserved with purified water, the following:

- a. The soils contain sufficient carbonate content to interfere with preservation by sodium bisulfate. Please be advised that effervesce testing must be from within the soil impact area at each sample location and cannot rely on testing from other areas on the property.
- b. The soils are not biologically active; and therefore, not subject to the requirement of immediate onsite analysis provided in Method 5035A Appendix A Section A.1.3.
- The Closure Report indicates CRA has compared the detected contaminant concentrations to the generic risk-based criteria without first determining that the generic criteria are applicable to the site. When a substance that has been released is comprised of multiple contaminants (e.g., gasoline, diesel fuel, etc.), a comparison of contaminant concentrations to the generic C_{sat} is not appropriate. The C_{sat} for an individual chemical is the estimated concentration at which the chemical concentration in water, gas, and sorbed to solids, is at saturation. It is a theoretical maximum concentration above which a chemical may be present as non-aqueous phase liquid (NAPL), but does not take into account any chemical mass that might be in a NAPL state. However, this is true only for NAPL composed entirely of that single chemical. The presence of multiple contaminants has the effect of lowering the concentration at which saturation of any one compound might occur. With multi-chemical mixtures, it is possible (likely) for NAPL to be present when no single chemical approaches its C_{sat} concentration. The absence of free product or observable free phase contamination does not confirm the absence of NAPL within the soil matrix.

An effort must be made to demonstrate free phase contamination is not present in soils remaining at the site. Without such information, comparison to the generic criteria is not appropriate; and therefore, it could not be demonstrated that compliance with the applicable cleanup criteria has been achieved.

The owner or operator of this facility is required, under the provisions of Section 21315(3) of Act 451, to do the following:

1. Provide additional information related to the requirements of Part 213, as specified above.

2. Retain a QC to conduct additional corrective actions necessary to comply with Part 213, or to protect public health, safety and welfare, and the environment.

Please submit to this office **within 14-days receipt** of this audit, a written commitment to conduct the necessary response activities and submit a complete Final Assessment Report (FAR) which includes a complete Corrective Action Plan (CAP) that complies with Part 213 of the NREPA. The commitment should include a reasonable schedule for submitting a complete FAR/CAP in compliance with Sections 21311a and 21309a respectively. If the RD does not concur with the schedule as proposed, you will be notified. Please note that you are not in compliance with Part 213 until an adequate FAR/CAP is received.

This letter may not capture all of the violations, or all of the corrective actions necessary to comply with Part 213. It should be noted the DEQ identified numerous deficiencies within the Closure Report as submitted. As time allows, the DEQ will construct a follow-up letter which lists the deficiencies and non-compliance issues identified in the Closure Report.

Section 21307a(2) of Part 213, requires that the QC provide this office with a minimum of 48-hours notice prior to conducting any on-site activities.

If you have questions regarding this matter, please feel free to contact me by phone at the number listed below. All correspondence and reports regarding this matter should be sent to my attention at the DNRE-RD, Southeast Michigan District Office, 27700 Donald Court, Warren, Michigan, 48092.

Sincerely,



Richard Berak, Environmental Quality Analyst
Remediation Division
Southeast Michigan District office
586-753-3808

Enclosures

cc: Mr. Thomas Kinney, Conestoga-Rovers & Associates
Mr. Terence Gayman, Conestoga-Rovers & Associates
Mr. Peter Ramanauskas, U.S. EPA
Mr. Daniel P. Dailey, DEQ
Mr. Leonard Lipinski, DEQ
Ms. Cheryl Wilson, DEQ
Ms. Jeanne Schlaufman, DEQ
Ms. Kimberly Ethridge, DEQ
Mr. Gregory Barrows, DEQ