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GOVERNOR

Clark Street / Tech / Compliance / Corre / Waste
Redevelopment

STATE OF MICHIGAN

DEPARTMENT OF ENVIRONMENTAL QUALITY

LANSING



DAN WYANT
DIRECTOR

June 15, 2011

FORMER GMC CADILLAC MOTOR CAR CLARK PLT
401 S OLD WOODWARD AVE STE 370
BIRMINGHAM, MI 48009

Dear Sir or Madam:

SUBJECT: Notification to Current Owner that their Property is Subject to Michigan and Federal Regulations for Corrective Action; MID 005 356 704

The Michigan Department of Environmental Quality (DEQ), Resource Management Division (RMD), is notifying you of regulatory obligations you may or may not know about. Your property is being, or has been in the past, used to treat, store or dispose hazardous waste, which subjects it to the requirements of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA), and Michigan's Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), and the administrative rules promulgated thereunder. As such, the law requires that your facility be investigated to determine if corrective actions must be completed at some point in time. The following obligations pertain to your property:

General Corrective Action

Under RCRA and Part 111 regulations, facilities that treated, stored, or disposed hazardous waste are subject to corrective action across the entire property. The property boundary was first identified in a RCRA Part A Permit Application submitted by an owner or operator of the property that conducted hazardous waste management activities. The original property may have been subdivided into parcels. Corrective action responsibilities remain with the property and whoever is the present owner. The corrective action responsibilities "remain with the land," even if a newly-purchased area is a small part of the original property. This is true whether the present owner is in the hazardous waste business (e.g., a generator) or not. For more information, some Internet resources are listed below:

<http://www.epa.gov/epawaste/hazard/correctiveaction/index.htm>
<http://www.epa.gov/wastes/hazard/correctiveaction/resources/guidance/>
<http://www.epa.gov/wastes/inforesources/pubs/orientat/rom39.pdf>
http://www.michigan.gov/deq/0,1607,7-135-3312_4118_4240---,00.html
http://www.michigan.gov/deq/0,1607,7-135-3312_4118_4240-56381-,00.html

Option for Owner Initiated Corrective Action

The regulatory focus so far has been on operating hazardous waste treatment, storage, and disposal facilities that were identified as high or medium priority based on environmental conditions. However, that does not preclude corrective action efforts at

other locations. Initiation of corrective action does not necessarily require a permit or an enforcement order from the DEQ or U.S. Environmental Protection Agency (U.S. EPA). Owners and operators of RCRA-regulated facilities may also volunteer to perform corrective action under a Voluntary Corrective Action Agreement (VCAA). There may be some activities necessary to achieve corrective action goals that require formal approval by the DEQ or U.S. EPA. Therefore, both agencies encourage owners and operators to work closely with them to obtain sufficient oversight during voluntary corrective action cleanup activities.

Deed Notices and Property Transaction

In addition, if the property is subject to corrective action, it is also subject to R 299.9525 of the Part 111 Rules; therefore, a deed notice must be filed for recording with the Register of Deeds for the county in which the property is located by the owner or operator. This deed notice should already be in place for your property as written notifications were attempted in 1999, 2000, 2001, and 2005. The rule requires that a deed notice be recorded for all hazardous waste treatment, storage, and disposal facilities (both interim and final status). The notice should state that the property has been used to manage hazardous waste and is subject to the corrective action requirements. The deed notice must include a legal description of the entire property subject to corrective action, not just the regulated hazardous waste management units. The statute also requires notice to the DEQ when a facility's ownership or operation controls change.

R 299.9525 Notice requirements

Rule 525. (1) An owner of a hazardous waste treatment, storage, or disposal facility shall execute and file a notice with the office of the register of deeds in the county in which the facility is located. The owner shall submit verification of the execution, filing, and recording of the notice to the department within 60 days of the effective date of this rule. The notice shall be titled "notice regarding statutory obligations applicable to property" and shall comply with all of the following requirements:

(a) The notice shall include a legal description of the land upon which the facility is located. The land and the facility shall be referred to as "the property."

(b) The notice shall state that the property has been used to manage hazardous waste and is subject to the corrective action requirements of part 111 of the act and RCRA, as amended by the 1984 hazardous and solid waste amendments.

(c) The form of the notice shall comply with the requirements of act 103 of the public acts of 1937, as amended, being §565.201 et seq. of the Michigan Compiled Laws.

(2) Owners or operators shall provide new owners or operators with a copy of the notice required pursuant to the provisions of subrule (1) of this rule.

(3) New owners or operators shall provide notice to the director of the transfer of ownership or operational control of a facility. The notification shall be

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provided to the director not later than 90 days before the scheduled change in ownership or operational control.

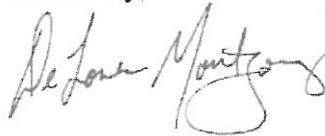
(4) The requirements of subrules (1) to (3) of this rule apply to both of the following:

(a) Owners or operators of hazardous waste treatment, storage, or disposal facilities which have been issued an operating license under part 111 of the act.

(b) Owners or operators of hazardous waste treatment, storage, or disposal facilities which have not yet been issued an operating license under part 111 of the act.

The RMD will work with property owners to address corrective action concerns at your facility. If you believe that facility-wide corrective actions are already complete for your site or have any questions regarding this notification, please contact either Mr. Rich Conforti at confortir@michigan.gov or at 517-241-2108 or Mr. Clay Spencer at spencerc@michigan.gov or at 517-373-7968. Mr. Conforti and Mr. Spencer may also be contacted by mail at DEQ, RMD, Hazardous Waste Section, P.O. Box 30241, Lansing, Michigan 48909. We would appreciate your e-mail address in order to facilitate communication.

Sincerely,



DeLores Montgomery, Chief
Hazardous Waste Section
Resource Management Division
517-373-7973

cc: Mr. Jose Cisneros, U.S. EPA, Region 5
Mr. Paul Owens, DEQ
Ms. Laura Verona, DEQ
Corrective Action File