



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

AUG 03 2011

REPLY TO THE ATTENTION OF:

MMP Group – Assembly, LLC
c/o Steve Lemberg
Resident Agent
1999 Centerpoint Parkway, Suite 300
Pontiac, Michigan 48341

Dear Mr. Lemberg:

This letter is in response to Mr. Mark Jacobs' request for a comfort letter from the U. S. Environmental Protection Agency regarding Resource Conservation and Recovery Act (RCRA) corrective action obligations for the following four Pontiac, Michigan properties:

Pontiac Assembly (MLC 1196)
Pontiac Centerpoint East (MLC 1307)
Pontiac Centerpoint Central (MLC 1305)
Pontiac Centerpoint West (MLC 1308)

As you know, these properties are parcels of a former General Motors facility, EPA identification number MID 005 356 902, which are currently undergoing a joint Corrective Action Complete with controls (CAC) determination process with EPA. This CAC determination will document the fact that EPA considers the RCRA remediation complete, with the exception of the area identified as Area of Interest 50 (AOI-50), and any associated releases.

EPA's Final Decision indicates that closure of AOI-50 is to take place under Michigan Act 451 Part 213 regulations and include institutional controls. The Michigan Department of Environmental Quality recently submitted a letter to the RACER Trust identifying deficiencies in the October 25, 2010 closure report for AOI-50, a former underground storage tank farm and the surrounding area. From that letter, it appears that additional sampling, analysis, data, or other documentation might be necessary to properly define the nature and extent of contamination and otherwise complete the state underground storage tank closure.

For a CAC determination such as this, after the application is submitted to EPA and found to be approvable, the public is provided 60 days to comment on the proposed CAC determination. The comment period begins on the date the owner/operator publishes the notice in the local newspaper. In addition, a public meeting is held during the public comment period. Comments are to be submitted to the EPA contact identified in the public notice, for EPA's review.

Representatives of the RACER Trust have accomplished the following milestones leading up to the CAC determination:

- Publish Public Notice of Public Meeting in Local Newspaper: June 29, 2011;

- Hold Public Meeting: July 14, 2011.

No comments were received at the public meeting.

Based on the above we would expect the following schedule for finalization of the CAC determination:

- End of Public Comment Period: August 27, 2011;
- All Comments Received: September 2, 2011;
- Drafting, the Land and Chemicals Division management review, legal review, and issuance of CAC determination letter, assuming we receive no public comments that alter the determination: October 24, 2011.

After completion of the public comment period EPA will review the public comments for any additional issues that need to be addressed before the determination is finalized, and will either (a) approve the request and issue the CAC determination (b) deny the request; or (c) determine that the CAC determination request should have additional public comment procedures.

Although EPA's preliminary analysis of the application is that the corrective action at this property, with the exception of AOI-50 and any associated release, is now complete, EPA will make no final decision until the public process concludes.

Paragraph 69 of the ENVIRONMENTAL RESPONSE TRUST CONSENT DECREE AND SETTLEMENT AGREEMENT (Settlement Agreement) directs that EPA will upon request of a prospective purchaser, use one or more of the following enforcement or liability clarification tools for a property to address the liability concerns of prospective purchasers for existing contamination (provided the purchasers comply with the requirements set forth in Paragraph 73(1)-(5) of the Settlement Agreement:

- Prospective Purchaser Agreements or equivalent agreements under applicable State law;
- Bona Fide Prospective Purchaser Work Agreements or equivalent agreements under applicable State law or
- Comfort/Status Letters or equivalent letter under applicable State practice.

The Settlement Agreement provides EPA, the states, or tribe enforcement discretion to select the appropriate enforcement or liability clarification tool from the options set forth in the three preceding bullet points.

Based on EPA's preliminary determination that corrective action is complete for these four parcels with the exception of AOI-50 and any associated releases, EPA neither plans nor anticipates pursuing any corrective action at these parcels. Please note, however, that the public comment period for the proposed CAC determination has not yet ended, and so additional

corrective actions may be required. In addition, this comfort letter does not preclude EPA from undertaking any action at the facility at a later date if EPA obtains information indicating that such action is necessary to protect human health or the environment.

The Michigan Department of Environmental Quality, which is overseeing cleanup of AOI-50, has not approved that cleanup. If you want more information concerning AOI-50, please contact Richard Berak at (586) 753-3808.

This letter only addresses our intentions under the RCRA Subtitle C program, and not the Comprehensive Environmental Response, Compensation, and Liability Act. This letter does not in any way constrain the State of Michigan with respect to any potential RCRA corrective action, underground storage tank, or other requirements that the State might deem appropriate at the facility. Finally, this letter would not apply to any entity in the future that engaged in the treatment, storage, or disposal of RCRA hazardous waste on this site.

For your additional information, I am enclosing with this letter a copy of the RACER Trust document entitled *Request for Resource Conservation and Recovery Act Corrective Action Complete With Controls Determination, updated June 2011*. This document discusses environmental conditions and investigations at the site, the selected corrective measures, information on institutional controls including a copy of the Declaration of Restrictive Covenant, and copies of EPA's *Statement of Basis* and *Final Decision* with respect to the corrective action at this site.

If you have any questions regarding this letter, or if we can be of further assistance, please do not hesitate to contact me at (312) 886-6945 or Mr. Gary Victorine of my staff at (312) 886-1479.

Sincerely,



Jose G. Cisneros

Chief

RCRA Remediation and Reuse Branch
Land and Chemicals Division

Enclosure

cc: De Montgomery, MDEQ
Grant Trigger, RACER
Mark Jacobs, Dykema – Detroit Office

bcc: Gary Victorine, RRB
Peter Ramanauskas, RRB
Brian Barwick, ORC