



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING DISTRICT OFFICE



C. HEIDI GREYER
DIRECTOR

May 15, 2017

CERTIFIED MAIL--RETURN RECEIPT REQUESTED

Mr. Robert Eastman
Quick-Sav Food Stores, Ltd.
6285 Taylor Drive
Flint, Michigan 48507



Dear Mr. Eastman:

SUBJECT: Refined Petroleum Fund Notice Letter for Beacon & Bridge Market #8,
110 East Broad Street, Linden, Genesee County, Michigan;
Facility ID No.: 0-0002778; Confirmed Release No.: C-0162-14

This letter is a formal notice that:

1. The Department of Environmental Quality (DEQ) has identified the Beacon & Bridge Market #8 property located at 110 East Broad Street, Linden, Genesee County, Michigan, and associated areas as a Site. Section 21303(l) of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) defines a Site as "a location where a release occurred or threat of release exists from an underground storage tank system, excluding any location where corrective action was completed which satisfies the applicable Risk Based Screening Levels (RBSL) or Site Specific Target Level (SSTL)."
2. The Legislature has authorized the expenditure of public funds under the Refined Petroleum Fund for the purpose of performing corrective actions at the Site to protect the public health, safety, and welfare, and the environment.

Records obtained by DEQ staff indicate that Quick-Sav Food Stores, Ltd. (Quick-Sav) currently owns, previously owned, previously operated at, and currently operates at the Beacon & Bridge Market #8 property.

Investigations conducted by DEQ staff indicate the following:

1. The DEQ files indicate that a release from an underground storage tank (UST) system at Beacon & Bridge Market #8 (Site) was confirmed on November 14, 2014. Information available to the DEQ indicates that Quick-Sav was both the owner and operator of the underground storage tank (UST) system at the time of the November 14, 2014, confirmed release. Therefore, Quick-Sav is liable as a person who is responsible for an activity that caused a release or threat of release at the Site.

2. On July 23, 2014, January 26, 2015, and February 23, 2017, the DEQ notified Quick-Sav of the DEQ's plans to undertake corrective actions using state funds in the vicinity of the Bridge and Broad Streets intersection, located near 110 East Broad Street, Linden, Genesee County. The work was needed to abate immediate risks and gain an understanding of further risks posed by contamination that resulted from the UST system at the Beacon & Bridge Market #8. At that time, the DEQ also provided Quick-Sav an opportunity to undertake the necessary response activities and corrective actions to address the release associated with Beacon & Bridge Market #8. Quick-Sav declined to comply with its affirmative obligation to comply with Part 213 of the NREPA, creating an imminent and substantial endangerment.

Section 21320 of the NREPA provides: "If the department learns of a suspected or confirmed release from an underground storage tank system, the department may undertake corrective actions necessary to protect the public health, safety, or welfare or the environment at sites where persons that are liable are not financially viable or not readily identifiable, at sites where persons that are liable have not implemented corrective action necessary to abate an imminent and substantial endangerment, or to facilitate brownfield redevelopment."

The basis under which the DEQ is undertaking corrective actions at this Site includes but is not limited to: as a result of the release, soil, groundwater, and soil gas contamination has been identified above acceptable RBSL on site and off site requiring mitigation and/or corrective actions to address exposures associated with the release.

Except as provided in Section 21323a of the NREPA, which provides for certain exceptions, exemptions, and defenses to liability, a person who is liable under Section 21323a of the NREPA is jointly and severally liable for all costs, including any associated interest, that are lawfully incurred by the state relating to the selection and implementation of corrective action under Part 213 of the NREPA. The State of Michigan previously has incurred corrective action costs at the Site. These costs were incurred to conduct corrective action at the Site, including: hydrogeologic investigation, monitor well installation, soil, groundwater, soil gas, and indoor air sample collection and analysis, and the design, construction, installation, and the continued operation and maintenance of a sump water/vapor mitigation system at 109 North Bridge Street.

Please be advised that this letter serves as formal notice that the DEQ is prepared to develop a work plan for the performance of additional corrective actions at the Site and is prepared to proceed with the contract award for corrective actions to be conducted by July 1, 2017. Corrective action includes: preparation of bid specifications and the procurement of a contractor to perform the design, construction, installation of a long-term groundwater management system that will prevent the infiltration of contaminated groundwater and vapor intrusion into the basements of 109 North Bridge Street, to relocate and redesign the existing groundwater treatment/vapor mitigation system to a

location outside the north basement of 109 North Bridge Street, and to continue to conduct operation and maintenance of the groundwater treatment/vapor mitigation system.

The DEQ previously notified Quick-Sav by letter dated July 23, 2014, January 26, 2015, and February 23, 2017, (copies attached) of its position that Quick-Sav is responsible for an activity causing a release or threat of release of a regulated substance. Therefore, Quick-Sav is liable for conducting corrective actions at the Site pursuant to Section 21323a of Part 213 and is required by Section 21304c of Part 213 to undertake due care at the Site. The DEQ's position regarding Quick-Sav's liability is based upon the DEQ's current knowledge of the facts pertaining to the Site. The DEQ may reconsider this position if new information regarding Quick-Sav's liability becomes available.

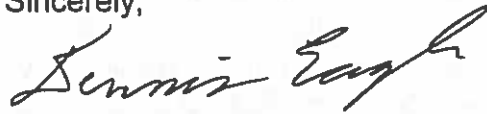
As the current owner and operator of the Site, you have an obligation to comply with Section 21304c by undertaking due care.

Because Quick-Sav is liable for the Site and Quick-Sav will be liable for the costs the state incurs if the state performs these corrective actions, the DEQ is providing Quick-Sav the opportunity to voluntarily perform these corrective actions in accordance with the implementation schedule. If Quick-Sav decides to commit to performing these corrective actions in accordance with the implementation schedule, Quick-Sav must provide me with a written commitment to that effect by May 30, 2017. If Quick-Sav does not commit to performing these corrective actions by May 30, 2017, or does not complete these corrective actions in accordance with the implementation schedule, the DEQ will proceed with its implementation of the corrective actions. If the DEQ performs these corrective actions, please be advised that the DEQ may request assistance from the Department of Attorney General to recover from the liable persons any costs that are incurred by the state to perform these corrective actions, including any costs and associated interest that are incurred to develop, execute, oversee, or cancel any state contracts for the performance of these corrective actions.

If Quick-Sav does not voluntarily perform the corrective actions required by Part 213, including the proposed corrective actions, please also be advised that Section 21323(1)(e) of the NREPA provides for the assessment of a civil fine of up to \$10,000 for each UST system for each day of noncompliance with a requirement of this part or a rule promulgated under this part. Furthermore, a person who violates the due care provisions of Section 21304c(1) is liable for corrective action costs and natural resource damages attributable to any exacerbation of existing contamination and for any civil fines that may be imposed under Part 213. The state may also seek to impose a civil fine for any violations of Part 31, Water Resources Protection, of the NREPA for an unpermitted discharge or the direct or indirect discharge of injurious substances to the waters of the state.

The files used to prepare this notice are located in the DEQ, Lansing District Office. If a representative of Quick-Sav wishes to review these files or has questions regarding this letter, please contact Mr. David LaBrecque, Project Manager, Lansing District Office, at 517-284-5123; labrecqued@michigan.gov; or DEQ, Remediation and Redevelopment Division, Lansing District Office, P.O. Box 30242, Lansing, Michigan 48909.

Sincerely,



Dennis Eagle, District Supervisor
Lansing District Office
Remediation and Redevelopment Division
517-284-5089
eagled@michigan.gov

Enclosures

- cc: Mr. Scott Nelson, Quick-Sav Food Stores, Ltd.
- Mr. Clifford A. Knaggs, Knaggs, Harter, Brake & Schneider, P.C.
- Ms. Christie Santiago, PM Environmental, Inc.
- Mr. Paul C. Zelenak, Manager, City of Linden
- Mr. Kevin Begola, 109 North Bridge Street
- Mr. Josh Mosher, DEQ
- Mr. Dan Rockafellow, DEQ
- Ms. Janet Michaluk, DEQ
- Ms. Vicki Katko, DEQ
- Mr. David LaBrecque, DEQ