



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
CADILLAC DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

April 2, 2020

VIA EMAIL ONLY

Mr. Kevin Klein, Manager
Cherry Capital Airport
727 Fly Don't Drive
Traverse City, Michigan 49686

Dear Mr. Klein:

SUBJECT: Compliance Communication Regarding the Per- and Polyfluoroalkyl Substances (PFAS) Release at Cherry Capital Airport, 727 Fly Don't Drive, Traverse City Grand Traverse County; Site Identification Number: 28000004

The Department of Environment, Great Lakes, and Energy (EGLE) has reviewed the information you provided in your March 18, 2020, correspondence regarding the use of firefighting foam (e.g., aqueous film forming foam or AFFF) which contains PFAS and, more specifically, the hazardous substances perfluorooctanoic acid (PFOA) and perfluorooctanesulfonic acid (PFOS). Based on your response, environmental contamination may be present on the property at 727 Fly Don't Drive, Traverse City. Michigan's environmental cleanup law, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, spells out what actions or precautions a person needs to take with respect to environmental contamination. Owners and operators of contaminated property may have responsibilities associated with that contamination.

The use of AFFF from the 1970s to current day for fire-fighting practices and the 50-gallon release of CHEMGUARD 3% AFFF C306-MS-C that occurred on March 10, 2020, which contain PFOA and PFOS, are hazardous substance under Part 201. An area where hazardous substances exceed the criteria for unrestricted residential use is known as a Facility as defined in Part 201, which triggers obligations under the law. PFOA and PFOS in the environment that exceed the level safe for unrestricted residential use located at 727 Fly Don't Drive would make the property a Part 201 facility.

Owners and operators who have knowledge their property is a Part 201 facility need to take certain measures, commonly called due care, to ensure that the contamination on the property does not cause unacceptable risks and is not exacerbated. The due care provisions are found in Section 20107a of Part 201, and include:

- Preventing exacerbation of the existing contamination.
- Preventing unacceptable human exposure and mitigating fire and explosion hazards to allow for the intended use of the Facility in a manner that protects the public health and safety.
- Taking reasonable precautions against the reasonably foreseeable acts or omissions of a third party.

- Providing cooperation and access to authorized persons to conduct response activities; and
- Complying with any land use or resource use restrictions in connection with response activities.

Additional guidance on complying with due care is found in Part 10 (Compliance with Section 20107a of Act) of the Part 201 Administrative Rules.

Persons liable under Part 201 are required to take steps to clean up the contamination. These steps are found in Section 20114 of Part 201, and include, as applicable:

- Immediately taking measures to contain or remove the contamination source.
- Immediately identifying and eliminating any threat of fire or explosion or direct contact hazards.
- Notifying EGLE and affected neighbors if contamination has migrated off the property.
- Delineating the extent of the contamination; and
- Undertaking the cleanup of the contamination.

Please note additional requirements under Section 20114 of Part 201 may apply to this situation. Liability under the law is described in Section 20126 of Part 201.

EGLE encourages Cherry Capital Airport to become familiar with Part 201, and requests that you take the necessary steps to comply with the provisions of the law that may apply, including, but not limited to, the submittal of a Response Activity Plan and a schedule for remedial investigation. You may want to confer with an environmental consultant to assist in complying with the provisions of Part 201.

The explanations of Part 201 in this letter should not be considered a complete listing of your legal obligations under the law. The Part 201 statute and rules can be found in its entirety at the EGLE Web site: www.michigan.gov/egle, by clicking on 'Land', 'Remediation', then 'Site Investigation and Remediation'.

The information used to prepare this letter is located at the Cadillac District Office. If Cherry Capital Airport wishes to review this information or if you have questions regarding this letter, please do not hesitate to contact Ms. Ann Emington, Project Manager, at 231-429-1395; at emingtona@michigan.gov; or you may contact me. EGLE looks forward to your cooperation in resolving this matter.

Sincerely,



Steven Kitler
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Remediation and Redevelopment Division
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sk/ae/tl

- cc. Mr. Daniel Thorell, Grand Traverse County Health Department
- Mr. Michael Neller, EGLE
- Mr. Joshua Mosher, EGLE
- Ms. Amy Peterson, EGLE
- Mr. David O'Donnell, EGLE
- Mr. Dan Rockafellow, EGLE
- Ms. Ann Emington, EGLE