

STS

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March 6, 2008

Mr. Derek Delacourt
Deputy Director, Planning Department
City of Rochester Hills
1000 Rochester Hills Drive
Rochester Hills, MI 48309

RE: Review of Hamlin & Adams Submittals

Dear Mr. Delacourt:

At your request, I have reviewed the document submitted by Hamlin & Adams via Neil Silver on February 20, 2008. This letter references the AKT Peerless response letter dated February 19th to my review letter, dated February 14th the underlined version of the MI Act 381 Workplan, and dated February 12, 2008, rev2.

Feb 19th letter

The applicant did a reasonable job responding to my issues raised during the review of the prior Feb. 12 381 Plan submittal and I appreciate their response. I fully understand that the details of portions of the design and planning needs to come at a later date and the applicant has stipulated that they will conform to all applicable ordinances. I don't expect the details to be forthcoming at this time though I am still convinced that they are needed as soon as possible. Their letter has limited information about truck traffic and potential lane closure, traffic control, and potential closure of the pedestrian trail. Also, please be aware that costs for air monitoring could change based on suggested revisions from the MDEQ Air Quality Department.

Another issue that is not well explained is my comment from Page 27, regarding Laboratory Analysis, ie. How will the applicant address a situation where verification samples are collected from the floor of the excavation and they are not clean? Will this occur at every location of excavation or does it depend on the Area from which the soil was excavated? How, in their opinion, does this relate to the pertinent clauses in the Consent Judgment?

Also from that letter was my comment from Page 28, regarding additional response activities. I continue to believe that if the EPA asserts jurisdiction (TSCA), the costs represented in the 381 Workplan could change, which obviously affects the TIF capture, among other things.

Mi Act 381 Plan, rev2

The plan is an improvement over prior plans and addresses the majority of my questions; however, the following issues remain open:

1. The applicant indicates on p.18, Section 3.1 that utilities will be installed in areas that have been remediated. A recent discussion with their design engineer (PEA) does not reflect that stipulation. How can this issue be resolved finally?
2. 3.2.1.7 Soil Management in Place Area E. I have agreed to the design concept in principal though numerous constructability issues remain. I anticipate that they will be revealed in the design document that the Applicant has indicated is forthcoming.
3. 3.2.1.9 Stormwater Management. The statement "The stormwater system being proposed serves the same purpose as a liner and cap in meeting the due care obligations noted above." should be explained

in greater detail. Additionally the later portion of that same section indicates that “a small settlement bay” will be needed. It has been revealed that this is not true and that in fact a detention basin is proposed. This section needs to be revised to reflect the actual proposed design. The \$660,000 incremental cost increase should be explained/detailed.\

4. 3.3 Additional Response Activities. The applicant indicates that all wells will be removed. With the pending decision from the EPA, whose managers profess to be concerned with groundwater issues, would it not be prudent to leave the wells in place?

I continue to believe this revised Plan submittal to be administratively complete (appropriate Sections are included with brief detail) for a MI Act 381 Workplan, and an improvement over prior submittals, a few details are yet lacking. These details need to be included in a comprehensive work plan and/or design document. This document could be completed and submitted as an interim measure while the Applicant is awaiting the final word from the USEPA. The applicant has stipulated that these documents will be prepared though with no timeline as to when they can be expected. The issues in a plan of that nature are particularly important because they not only affect the technical execution of the project; they impact public health, safety, and the environment.

Respectfully,

Jim Anderson
Associate Scientist

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