



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
JACKSON DISTRICT OFFICE



C. HEIDI GREYHER
DIRECTOR

October 3, 2018

Mr. David Di Rita, Partner
Lower Town Partners, LLC
1117 Griswold Street, Suite 1416
Detroit, Michigan 48226

Dear Mr. Di Rita:

SUBJECT: Notice of Approval with Conditions of the Response Activity Plan for the Broadway Park, Former Broadway Street Manufactured Gas Plant, Ann Arbor, Washtenaw County, Michigan;
Site ID No. 81000025

The Department of Environmental Quality (DEQ), Remediation and Redevelopment Division, has reviewed the Response Activity Plan (ResAp) for Remedial Action on the Broadway Park, Former Broadway Manufactured Gas Plant site submitted by SME on the behalf of Lower Town Partners, LLC on February 21, 2018. Section 20114b(3) of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), states that when a response activity plan is submitted for approval, the DEQ may notify the submitter that the plan is approved with conditions, if applicable. The Response Activity Plan is approved with the following conditions:

That the concerns outlined by the DEQ via email dated July 20, 2018, and satisfactorily addressed in subsequent emails from August 2, 7, and 9, 2018, be considered as part of this conditionally approved Response Activity Plan and approved activities.

That the completion of the approved remedial actions shall not be considered DEQ approval and that these remedial actions will achieve the cleanup criteria established under Part 201, Environmental Remediation of NREPA.

Approval of this Response Activity Plan shall not be considered approval of eligible Due Care activities under the Brownfield Redevelopment Financing Act; Act 381 of 1996.

As stated in Section 3.8 of the Response Activity Plan, "Development of a mixing zone determination for GSI criteria and development of site-specific recreational direct contact criteria for the Public Use Area will be undertaken concurrently with the DEQ's review of this ResAP."

Because approvable site-specific recreational use direct contact criteria have not yet been developed and submitted to the DEQ for our approval, the portion of this RespAP relying on site-specific recreational use direct contact criteria will only be considered approved if the DEQ approves such criteria.

As stated in Section 3.8 of the Response Activity Plan, "Development of a mixing zone determination for GSI criteria and development of site-specific recreational direct contact criteria for the Public Use Area will be undertaken concurrently with the DEQ's review of this ResAP." The portion of this RespAP relying on mixing zone-based GSI criteria will only be considered approved if the DEQ receives and approves such request.

The remedial action relies on the placement of land use and resource use restrictions in the form a restrictive covenant. If you would like, you may provide the DEQ with a draft of the restrictive covenant for review and approval prior to submitting to the Washtenaw County Register of Deeds for recording, pursuant to Section 20114c(3) of the NREPA and pursuant to Section 20114c(5) of the NREPA, notice of the land use or resource use restrictions.

This approval with conditions of the Response Activity Plan is based upon the representations and information contained in the submittal, therefore the DEQ expresses no opinion as to whether other conditions that exist will be adequately addressed by the response activities that are proposed. Notwithstanding this approval, if environmental contamination is found to exist that is not addressed by the Response Activity Plan and you are otherwise liable for the contamination, additional response activities may be necessary.

If you should have further questions or concerns, please contact Mary Miller, Remediation and Redevelopment Division, Jackson District Office, at 517-898-6790.

Sincerely,



Gerald Tiernan, District Supervisor
Jackson District Office
Remediation and Redevelopment Division
517-582-0520

cc: Cheryl Kehres-Dietrich, SME
Mitch Adelman, DEQ
Carrie Geyer, DEQ
Josh Mosher, DEQ
Holden Branch, DEQ
Mary Miller, DEQ