

**Sarkipato, Ernest (DEQ)**

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**From:** Ballo, Frank (DEQ)  
**Sent:** Monday, July 13, 2009 3:58 PM  
**To:** Sarkipato, Ernest (DEQ)  
**Cc:** Jordan, Kameron (DEQ)  
**Subject:** Harbor Shores Due Care Activities

Hi, ERNIE—

Per our meeting last week and in response to your copy to me of the floodplain permit application from Harbor Shores Community Redevelopment, LLC, for Jean Klock Parcel Mitigation F off Graham Ave (DEQ Land and Water Management Division File No. 09-11-0047-P), please note the following comments:

1. I have not reviewed and, to the best of my knowledge, the DEQ Remediation and Redevelopment Division has not requested or otherwise received for this property documentation of compliance with the due care requirements of Section 7a, Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and R 299.51001 of the Part 201 Rules. My review included only information, data, and consultant conclusions included with the application.
2. The data indicate exceedences for several metals of Part 201 residential groundwater drinking water criteria and residential soil drinking water protection criteria. Property owners can generally address this exposure risk by assuring that no wells are installed on the property that can be used for drinking purposes.
3. The data also indicate exceedences for lead and arsenic above residential direct contact criteria, which are the default criteria we usually use for public recreational usage as proposed here. Property owners can generally address this exposure risk by a) removing all the soil exceeding the criterion; b) capping the contaminated soil by installing concrete or asphalt pavement over the contaminated soil; c) laying and anchoring a visible barrier (usually geotextile fabric or orange snow fencing), and then covering it and compacting with from 10 inches (for passive recreation areas) to 20 inches (for more active recreation areas) of clean, uncontaminated backfill; or d) some combination of the above. The proposed project generally complies with these conventions, except that installation of the visible barrier is omitted. Such a barrier is recommended.
4. The letter transmitting the application indicates, "...excavated material will be taken to an upland location," however the application indicates, "Spoils will be taken off site and placed in a landfill...". The applicant should be advised that any debris, refuse, solid waste, or contaminated soils that are excavated during construction must be properly characterized, handled, transported, and disposed of at a licensed facility under Part 115, Solid Waste Management, of the NREPA.

Hope this helps, let me know if you have any more questions.

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8/28/2009