



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
UPPER PENINSULA DISTRICT OFFICE



C. HEIDI GREYER
DIRECTOR

April 23, 2018

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Silver Shore Enterprise, Inc.
Mr. William Siler
45505 Champion Street
South Range, MI 49963

Dear Mr. Siler:

SUBJECT: Request for Section 20107a of Part 201 Compliance Documentation
Silver Shore Enterprise, Inc. - Mineral Building
52986 Highway M-26, Houghton County, Michigan
DEQ Site ID No. 31000081

The Department of Environmental Quality (DEQ) has information that indicates hazardous substances exist in the soil and groundwater at the Silver Shore Enterprise, Inc.'s (Silver Shore) Mineral Building, 52986 Highway M-26, Houghton County (Property). This Compliance Communication is to request documentation that demonstrates Silver Shore is in compliance with their obligations with respect to the hazardous substances and the environmental conditions present at the Property that are regulated under Section 20107a of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended and to advise you of continuing concerns regarding deteriorating asbestos containing roofing material leaving the Property.

Pursuant to Section 20107a of Part 201 and Part 10 of the Part 201 Administrative Rules (collectively, commonly referred to as "due care"), a person who owns or operates property that he or she has knowledge is contaminated is required to undertake measures to protect the public health, safety, and welfare (i.e., due care) with respect to hazardous substances present in groundwater, soil, and vapor at the Property. This includes having gathered sufficient information to evaluate and determine the exposure pathways that may pose an unacceptable risk at the Property, as well as sufficient information that demonstrates and documents the necessary response activities have been undertaken to prevent or mitigate all unacceptable exposures. In accordance 20107a(1) persons who are owners or operators of contaminated property are required to comply with the requirements of 20107a(1)(a-f).

Between 2014 and 2017, the DEQ, Remediation and Redevelopment Division (RRD) has been conducting investigations and emergency response actions at areas along Torch Lake where mining era wastes remain after the EPA delisted the properties from the Torch Lake Superfund site. RRD has provided you with information documenting the numerous debris piles containing metals (including high lead concentrations),

polychlorinated biphenyls (PCBs), asbestos and other contaminants present on the Property. RRD has communicated with you numerous times - via telephone and email - regarding the conditions present at the Property, actions RRD has taken, and the necessary actions required of Silver Shore as part of their due care obligations.

DEQ documented the findings of the investigation on the Property in "Abandoned Mining Wastes- Site Investigation Report," which was finalized in March 2016. The draft data and figures from that report documenting the exceedances of Part 201 residential criteria on the Property were provided to Silver Shore as an attachment to an email on May 5, 2015, and the finalized report was provided to Silver Shore in March 2016 and selected data again most recently on December 8, 2017. In November 2017 this data was also provided to the EPA in a referral package when RRD requested EPA's assistance regarding the Property. Since that time, the EPA has collected additional data and shared their Removal Assessment Report with Silver Shore as recently as April 19, 2017. This information indicates hazardous substances are present in soils at the Property at levels that may pose an unacceptable exposure via contact with those soils.

Additionally, RRD has provided Silver Shore with data collected from the Property and adjacent areas regarding asbestos containing roofing materials from the Mineral Building roof. This material is in poor condition, is deteriorating due to environmental conditions, and is continually deposited into the M-26 right-of-way (ROW). This action is resulting in exposures determined to be unacceptable by the Department of Health and Human Services (DHHS). This determination has been recorded in the April 4, 2018 letter from DHHS. The DHHS letter was forwarded to you by Mr. Brian Kelly of the USEPA Emergency Response Branch on April 5, 2018.

In April 2016, Ms. Amy Keranen discussed with you the DEQ's plans to use a State-funded emergency response contract to pick up asbestos roofing material at the Property and adjacent areas and once that work was completed Silver Shore would be expected to pick up the material on a monthly basis. DEQ removed over 14 tons of asbestos roofing material during 2016 and 2017. On October 23, 2017, in follow up to previous RRD requests, you called Ms. Keranen, to advise her that you had just returned from the Property where you had picked up 2 pounds, 2 ounces of roofing material from the M-26 right-of-way (ROW) and put it in a five gallon pail in your office. You stated that you would return to the Property to pick up roofing material again but did not specify when. On April 18, 2018, Ms. Keranen was advised by Mr. Rob Tervo of the Michigan Department of Transportation (MDOT) that you had spoken with him on April 17, 2018 regarding the asbestos containing roofing material which comes from your building into the M-26 ROW. Mr. Tervo indicated that he had discussions with you regarding the necessity of picking up the roofing material on a regular basis.

The enclosed brochure provides general information with respect to "due care" and the requirements under Part 201. For specific statutory language please refer to Section 20107a of Part 201. In addition to the obligations identified in the statute, an owner and/or operator may also be required to comply with one or more of the Part 10 Rules.

All persons who are subject to Section 20107a of Part 201 are required to maintain documentation of compliance with Section 20107a in accordance with Rule 1003(5).

DEQ records indicate Silver Shore has been the owner and operator of the Property since 1997. Pursuant to Rule 1003(6), the documentation of compliance with due care is required to be available to the department upon request not later than 8 months after the earliest of the date of purchase, occupancy, or foreclosure. The time frames specified do not alter the continuing obligation of a person who is subject to Section 20107a of Part 201 to be in compliance with due care.

Within 30 days from the date of receipt of this letter please provide documentation of the evaluation of exposure pathways and the necessary actions Silver Shore has taken at the Property to address due care obligations and comply with Part 201 and the Part 10 Rules.

Copies of the Part 201 Statute and the Part 201 Rules are available from the DEQ Web site: www.michigan.gov/deqrrd.

The files containing the information used to prepare this Compliance Communication are located in the DEQ's Calumet Field Office. If you wish to review these files or have questions regarding this Compliance Communication, please contact me at (906)228-4516 or by email at clarkc8@michigan.gov. All correspondence and reports regarding this matter should be sent to Ms. Amy Keranen at the DEQ-RRD, 55195 U.S. 41, Calumet, Michigan, 49913.

Sincerely,



Clifton Clark,
District Supervisor
Upper Peninsula District Office
Remediation and Redevelopment Division

Enclosure

cc: Mr. Brian Kelly, USEPA Emergency Response Branch On-Scene Coordinator
Ms. Amy Keranen, Project Manager, DEQ
Mr. Joel Asher, District Enforcement Coordinator, DEQ