

**Nicole Bartell**

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**From:** Barbieri, Charles <CBarbieri@fosterswift.com>  
**Sent:** Tuesday, November 12, 2019 12:38 PM  
**To:** George Lahanas  
**Cc:** Mark Meadows; 'Mark Goehausen'  
**Subject:** Core Spaces/Core Campus Lansing, LLC, 918 East Grand River, East Lansing

11-12-19

Sir, as a matter of introduction, I represent Core Spaces/Core Campus Lansing, LLC ("Core Campus") in connection with the recently completed off campus housing known as The Hub and the continuing construction of some related structures, and the environmental conditions in particular. I write to you in light of a November 5, 2019 letter sent by EGLE to our client, as that letter was copied to Mayor Mark Meadows. In recognition of the City's reported transition in its mayoral leadership, I am writing to make sure that the City is advised that Core Campus is committed to resolving the issues raised by EGLE about certain due care duties associated with historical contamination that exists at the site. To comply with due care and insure that that no acceptable exposures are occurring at this site, Core Campus, with EGLE's review and approval, installed a vapor barrier liner and venting system as part of the construction of the building. EGLE is now seeking the as built drawings of the building, as built documentation of the vapor mitigation system, documentation of mitigation system "prove-out" testing, additional description of the different mitigation systems and information regarding removal of contaminated soils. Testing has already been underway, and the requested information will be supplied by the end of the week. It should be noted that some of the final documentation for certain areas that are still under construction will be supplied as well when available. If you (or anyone at the City) wish additional information on the steps being taken, please feel free to reach out to me. Thanks for your consideration.

**Charles E. Barbieri**  
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GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

November 5, 2019

CERTIFIED MAIL—7018 0360 0000 2598 8489  
RETURN RECEIPT REQUESTED

Mr. Mark Goehausen, Senior Development Manager  
Core Spaces/Core Campus Lansing LLC  
1643 North Milwaukee Avenue, 5<sup>th</sup> Floor  
Chicago, Illinois 60647

Dear Mr. Goehausen:

SUBJECT: Violation Notice: Failure to Comply with Section 21304c of Part 213  
Former Action Auto #30, 918 East Grand River Avenue, East Lansing,  
Ingham County, Michigan; Facility ID No.: 0-0012963;  
Site ID No.: 33000104

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) has information that indicates hazardous substances exist in the soil, groundwater, and soil gas at the former Action Auto #30 site located at 918 East Grand River Avenue, East Lansing, Ingham County, Michigan (Property), at concentrations exceeding groundwater volatilization to indoor air inhalation risk-based screening levels (RBSLs) and soil volatilization to indoor air inhalation RBSLs. Additionally, data indicates that hazardous substances are present in soil gas representing the potential for adverse human health effects from even a short-term/limited exposure.

Pursuant to Section 21304c of Part 213, Leaking Underground Storage Tanks, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, a person who owns or operates property that he or she has knowledge is contaminated with regulated substances released from an underground storage tank system is required to undertake measures with respect to the regulated substances present at the Property to assure the property is protective of the health and safety of persons using that Property.

On February 18, 2014, Core Campus Lansing LLC submitted a Baseline Environmental Assessment (BEA) to the Michigan Department of Environmental Quality (now EGLE) identifying the property as a facility. The BEA identified the following contaminants above criteria:

Soil Analytical Results Exceeding EGLE Part 201 Generic Residential Cleanup Criteria & Screening Levels		
Constituent	Maximum Concentration (reported in ppb)	Residential Criteria Exceeded
Benzene	56,000	DWP, GSIP, SVIIC, VSIC, RIASL
n-Butylbenzene	2,300	DWP
sec-Butylbenzene	4,900	DWP
Ethylbenzene	100,000	DWP, GSIP, SVIIC, RIASL
Isopropylbenzene	11,000	GSIP
2-Methylnaphthalene	73,000	DWP, GSIP
Naphthalene	51,000	DWP, GSIP
n-Propylbenzene	57,000	DWP
Toluene	1,200,000	DWP, GSIP, SVIIC, RIASL
1,2,3-Trimethylbenzene	84,000	RIASL
1,2,4-Trimethylbenzene	430,000	DWP, GSIP, RIASL
1,3,5-Trimethylbenzene	140,000	DWP, GSIP, RIASL
Xylenes	710,000	DWP, GSIP, RIASL
Mercury	460	GSIP

DWP: drinking water protection

GSIP: groundwater surface water interface protection

DC: direct contact

SVIIC: soil volatilization to indoor air inhalation criteria

VSIC: volatilization soil inhalation criteria

RIASL: residential indoor air screening level

ppb: parts per billion

Groundwater Analytical Results Exceeding EGLE Part 201 Generic Residential Cleanup Criteria & Screening Levels		
Constituent	Maximum Concentration (reported in ppb)	Residential Criteria Exceeded
Benzene	11,000	DW, GSI, GVIIC, RIASL
1,2-Dichloroethane	29	DW
Ethylbenzene	1,200	DW, GSI, RIASL
Isopropylbenzene	56	GSI
2-Methylnaphthalene	6,900	DW, GSI
Naphthalene	4,300	DW, GSI
n-Propylbenzene	250	DW
Toluene	49,000	DW, GSI, RIASL
1,2,3-Trimethylbenzene	950	RIASL
1,2,4-Trimethylbenzene	3,800	DW, GSI, RIASL
1,3,5-Trimethylbenzene	1,000	DW, GSI, RIASL
Xylenes	13,900	DW, GSI, RIASL

DW: drinking water

GSI: groundwater surface water interface

GVIIC: groundwater volatilization to indoor air inhalation criteria

RIASL: residential indoor air screening level

ppb: parts per billion

The detected hazardous substance concentrations in soil and groundwater at the Property are known to volatilize and can intrude into the indoor air and pose an unacceptable risk to persons present within the building(s) at the Property presenting a potential for adverse human health effects. This condition would constitute a violation of Section 21304c, commonly referred to as due care, for failure to prevent and/or mitigate an unacceptable exposure to regulated substances.

On September 27, 2019, in response to EGLE's request for documentation of due care compliance, Core Campus Lansing LLC (Core Campus) provided a summary of activities undertaken to determine the effectiveness of the mitigation system installed as part of the development. The documentation provided was insufficient to verify that unacceptable exposures have been prevented or mitigated sufficiently. The response letter identified that vapor mitigation system(s) had been installed in several areas of the building; however, the mitigation systems have not yet been completed in the areas of the 7-Eleven store or Georgio's restaurant. The response also identified that the test ports in areas of the building where mitigation systems have been installed are either damaged or are not installed correctly. These test ports are essential to demonstrating that the mitigation systems are functioning as intended and in a manner that is protective of human health for the occupants and users of the building. Core Campus's failure to provide the necessary information to demonstrate compliance with their due care obligations at the Property, as requested by EGLE, is a violation of Section 21304c.

The Core Campus response referenced above also did not provide any information regarding the amount of contaminated soil removed from the property during construction or the environmental conditions remaining after the soil removal was completed. Knowledge of the post excavation environmental conditions is necessary to properly evaluate vapor intrusion risks posed by the remaining soil and groundwater contamination.

To determine if the installed vapor mitigation systems are protective of human health, EGLE is requesting Core Campus submit:

1. A copy of the as built drawings for the building, including the depths and specific construction of all elevator shafts, sumps, and building footers, and location of sanitary sewer and water; and any floor drains;
2. A copy of the as built vapor mitigation systems, including the specific design and location of the test ports;
3. Documentation of the mitigation systems prove out tests, including procedures and results of conducted smoke tests or other means used to demonstrate that all mitigations systems meet performance objectives;
4. A map of all sub-slab geo-vent piping;

5. A description of how the operation of the three separate mitigation systems address the vapor intrusion risks to the entire building. (For reference, please see EGLE – Remediation and Redevelopment Division's Guidance Document for the Vapor Intrusion Pathway.)
6. Information available regarding the extent of soil removed preparing for building construction and the environmental conditions present at the Property following soil excavation.

As the current owner and operator of the Property, Core Campus is required under due care to immediately undertake the corrective actions necessary to abate unacceptable exposure to regulated substances and allow for the intended use of the Property in a manner that protects the public health and safety.

Within seven (7) days of receipt of this Violation Notice, please provide to EGLE the information and documentation requested above to demonstrate that unacceptable exposures to regulated substances through the vapor intrusion pathway have been prevented or mitigated. The information should indicate whether any corrective actions undertaken are considered to be temporary measures, and if so, what corrective actions Core Campus intend(s) to take in the future to permanently prevent or mitigate unacceptable exposures to hazardous substances, including the time frame by which the corrective actions will be completed. The requested information should be sent to:

Ms. Kim Sakowski, Project Manager  
Lansing District Office  
Remediation and Redevelopment Division  
Michigan Department of Environment, Great Lakes, and Energy  
P.O. Box 30242  
Lansing, Michigan 48909

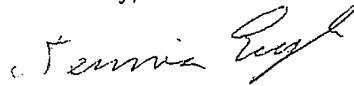
Please be advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate. If Core Campus does not comply with the requirements of Part 213 and this Violation Notice, EGLE may do any or all of the following: perform additional corrective actions at the property; take an enforcement action to compel compliance with Part 213; and/or seek civil fines pursuant to Part 213.

This Violation Notice also serves to advise Core Campus that a data sharing agreement exists between EGLE and the Michigan Department of Health and Human Services (MDHHS) to ensure collaboration on evaluating vapor intrusion risks; therefore, the information regarding contaminants and concentrations present on the property will be shared with the MDHHS and the Ingham County Health Department.

Enclosed please find EGLE's Due Care Brochure. Copies of Part 213 can be found at EGLE's Web site at: [www.michigan.gov/egle](http://www.michigan.gov/egle).

The files containing the information used to prepare this Violation Notice are located in EGLE's Lansing District Office. If you or a representative of your company wish(es) to review these files or has questions regarding this Violation Notice, please contact the project manager for this site, Ms. Kim Sakowski, at the address provided above; at 517- 582-2219; or at sakowskik@michigan.gov.

Sincerely,



Dennis Eagle, District Supervisor  
Lansing District Office  
Remediation and Redevelopment Division  
517-614-8544  
eagled@michigan.gov

cc: Mr. Rod McNiell, Ingham County Health Department  
Mr. Mark Meadows, City of East Lansing  
Mr. Alan Snell, Triterra  
Ms. Aubrey Brewer, MDHHS  
Ms. Lisa Quiggle, MDHHS  
Mr. David O'Donnell, EGLE  
Mr. Dan Rockafellow, EGLE  
Ms. Jeanne Schlaufman, EGLE  
Ms. Jaclyn Merchant, EGLE  
Ms. Kim Sakowski, EGLE



Over the course of the redevelopment of 918 and 1010 East Grand River Avenue into the Hub on Campus East Lansing, improving the environmental quality of the site has been among the highest priorities for Core Spaces. Through our engagement with Triterra, a highly respected Lansing-based environmental consulting firm that specializes in brownfield development, we have designed, constructed, tested, and will continue to maintain a system that effectively eliminates potential impacts to our residents, tenants, and visitors caused by soil contamination left behind by gas stations that formerly occupied the site. In response to this contamination and in compliance with the Michigan Natural Resources and Environmental Protection Act, a Due Care Plan has been implemented, ensuring that the impacts of the former uses of the site are mitigated and the building is protective of human health and safety.

Core Spaces purchased the properties at 918 and 1010 East Grand River Avenue in 2014 with the intention of redeveloping them into a mixed-use retail and residential building. Environmental due diligence at that time revealed soil contamination impacts resulting from the former use of the each of the properties as a gas station, a common occurrence at sites on which gas stations have previously operated. After the gas stations were demolished in 1965 and 1993, the properties were occupied by restaurant uses for 53 years and convenience store uses for 25 years until January 2018, when redevelopment began. During the time that the sites were occupied by these restaurant and convenience store uses, the properties operated without any contamination mitigation in place.

When the redevelopment of the site began in 2018, Core Spaces implemented a due plan in compliance with the requirements of the Michigan Natural Resources and Environmental Protection Act. This plan addresses and mitigates potential exposures due to soil and groundwater contamination resulting from the former operation of gas stations on the site. To comply with these due care obligations, Core Spaces engaged Triterra to oversee the excavation and safe removal of 30,000 cubic yards of contaminated soil from the site. Triterra also designed, inspected, and tested a two-tier, redundant vapor-mitigation system to prevent potential vapor intrusion into occupied portions of the building. The system includes both a subsurface vent system and a physical vapor barrier, which were installed beneath the building during construction. The subsurface vent system is designed to capture and safely ventilate vapors, and the vapor barrier prevents any vapor from entering the building structure. Inspections and testing activities were performed during installation of the vapor barrier to ensure its integrity.

Inspection and testing during and after installation show that the venting system is working properly. Testing was conducted to verify the exhaust is working. The emissions being exhausted from the system have been tested, confirming that emission levels are safe. Installation and inspection records and logs are maintained and made available to EGLE for verification. Core Spaces will continue to conduct performance testing during the first year of operation and then annually for the life of the system. Core Spaces will maintain the ventilation system and also perform regular inspections to ensure that the exhaust fans are operational and the system remains functional.

Triterra shared inspection and testing results with EGLE on September 27, 2019. In their compliance documentation letter, Triterra noted that it was their professional opinion that all due care obligations had been met with respect to the installation and testing of the vapor mitigation systems present at the Hub at that time, and will continue to perform testing as required under due care.

On November 5, 2019, EGLE requested additional documents to confirm the measures taken by Core Spaces to mitigate soil gas vapors. These documents include the as-built drawings of the building, as-built documentation of the vapor-mitigation system, documentation of the mitigation system “prove-out” testing, additional description of the different mitigation systems, and information regarding the removal of contaminated soils. The requested information was provided to EGLE on November 15, and EGLE is now reviewing the additional documentation. Core Spaces and Triterra are awaiting feedback raised by EGLE, and they have informed us that they do not expect to get back to us before the week of December 2, 2019. A meeting between City of East Lansing staff, EGLE, Core Spaces, and Triterra is scheduled for December 3, 2019 to review the provided documentation and testing results.

As outlined above and in great detail provided to EGLE and City of East Lansing staff, following excavation and removal of contaminated soils from the property caused by environmental impacts of gas stations formerly located on the site, Core Spaces has fulfilled the obligations for due care set forth in the Michigan Natural Resources and Environmental Protection Act. The installation of a vapor mitigation system, as designed by a professional environmental consulting company, ensures that Hub residents, as well as occupants and visitors in the retail areas, are not negatively affected by the environmental impacts of previous occupants of the site.



# COMMUNICATIONS

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Quality Services for a Quality Community

## **City of East Lansing Statement** **December 3, 2019**

In early November, City of East Lansing officials were notified of a violation notice sent to Core Spaces/Core Campus Lansing LLC (Core Campus), developers of the Hub East Lansing, by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The violation indicates that Core Campus did not provide sufficient documentation regarding mitigation systems that were required based on EGLE's standards for hazardous substances present at the development site (formerly Action Auto #30, located at 918 East Grand River Avenue).

City of East Lansing  
COMMUNICATIONS  
410 Abbot Road  
East Lansing, MI 48823  
[www.cityofeastlansing.com](http://www.cityofeastlansing.com)

Since becoming aware of the situation, City officials have been in close contact with EGLE officials, as well as officials from the Michigan Department of Health and Human Services (MDHHS) and the Ingham County Health Department's Environmental Health Division. City officials have been informed that EGLE and MDHHS confirmed that a ventilation system has been installed at the Hub East Lansing. They are working with the developer (Core Campus) and their environmental consultant to determine that it meets the EGLE/MDHHS standards through a series of tests. Ultimately, any action to ensure the system's operation and indoor air quality is under the authority of MDHHS and the Ingham County Health Department's Environmental Health Division.

The health and safety of residents is a top priority for City officials. They will continue to closely monitor the situation and will support the recommendations from EGLE, MDHHS and the Ingham County Health Department's Environmental Health Division. Community members with questions can contact EGLE or MDHHS for further information.