



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 22 2016

REPLY TO THE ATTENTION OF:

LU-9J

Mr. Jason Miller, President
100 E Patterson LLC
8710 North Custer
Monroe, Michigan 48162

Re: Tecumseh Products Company Site
MID 005 049 440

Dear Mr. Miller:

I am writing in response to your recent inquiry concerning the former Tecumseh Products Company site located at 100 E. Patterson Street, Tecumseh, Michigan (Site). My response is based upon the facts presently known to the U.S. Environmental Protection Agency (EPA) and is provided solely for informational purposes. The Site is a Resource Conservation and Recovery Act (RCRA) facility with a Site identification number MID 005 049 440. A map and legal description of the Site has been provided to EPA in connection with the recording of a Declaration of Environmental Restrictive Covenants, which are attached.

The Site was owned and operated by Tecumseh Products Company (TPC) as a manufacturing/industrial facility for the manufacture of automotive parts, refrigeration systems and small tools and toys between 1934 and 2008. EPA granted the facility Interim Status for container and tank storage areas for solvent wastes on June 10, 1982 and the company submitted a certification for closure of the single, on-site tank to EPA on November 12, 1982. TPC thereafter was a generator managed in accordance with 40 C.F.R. Part 262 until 2008.

Effective March 29, 2010, TPC entered into an Administrative Order on Consent (RCRA 05-2010-0012) with EPA (AOC) under Section 3008(h) of the Resource Conservation and Recovery Act, as amended. Under the AOC, TPC proposed to EPA on February 2, 2016 final corrective measures to address human health and all risks associated with the environment from releases of hazardous waste or hazardous constituents at or from the facility (Final Corrective Measures Proposal). Among other things, this Corrective Measures Proposal includes a schedule for constructing and implementing the proposed final corrective measures and for submitting a Final Remedy Construction Completion Report. EPA will provide the public with an opportunity to review and comment on its proposed final corrective measure and EPA will thereafter select the final corrective measure and notify the public in a document referred to as a *Final Decision and Response to Comments*.

To date, TPC has been responsive to EPA's questions and concerns regarding the company's efforts to identify and define the nature and extent of releases of hazardous waste and hazardous constituents at or from the site. We met with TPC in early December 2015 to discuss how the company plans to control the migration of contaminated groundwater and demonstrate that human exposures are under control. In addition, we will be meeting to discuss revisions to the monitoring network, as needed to monitor the migration of contamination; to verify the progress of interim corrective measures; and to further evaluate human exposures now and in the future.

Concurrent with site investigation and monitoring, TPC is required to maintain adequate financial assurance until EPA releases it from the requirements of the administrative order. PNC Bank has issued an irrevocable letter of credit that provides EPA with rights as a beneficiary, in the amount of \$2,073,800.00, which renews automatically every year on September 22, and represents an amount equal to the sum of all environmental remediation obligations. In connection with the CMP TPC submitted in February 2016, TPC proposes to increase the cost estimates associated with the proposed corrective action. As a result, TPC will increase the amount of its financial assurance to \$ 3,683,200. That estimate may increase, depending on the corrective measure EPA ultimately selects.

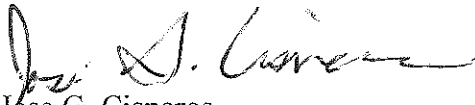
Pursuant to the AOC paragraph 7, no change in ownership or corporate or partnership status will alter Tecumseh Products' obligations under the order. Any conveyance of title, easement, or other interest in the facility, or a portion of the facility will not affect Tecumseh Products' obligation under the order. However, please note that any future property owner is expected to cooperate and coordinate with TPC concerning the implementation of interim and final corrective action measures at the Site so as not to trigger additional RCRA liability. Such activities may include, but are not limited to: the removal of building slabs only upon installation of appropriate controls to prevent unacceptable exposures on-site and to inhibit infiltration of water through contaminated soil; the excavation, distribution and proper handling of contaminated subsurface soils or building materials only upon proper waste characterization; construction only upon incorporation of engineering controls to eliminate the potential for subsurface vapor phase hazardous substances; extraction and discharge of contaminated groundwater during construction or site dewatering only upon proper waste characterization; and below grade excavations to ensure that there is no damage caused to existing and/or future components of on-site remediation or monitoring systems.

Based on TPC's cooperation to date, and the financial assurance TPC has established for EPA's benefit thus far, EPA is not taking or planning to take any additional action at the Site under RCRA. As long as TPC continues to cooperate and comply with its obligations under the administrative order, EPA typically would not look to other parties to enforce RCRA. If TPC fails to comply with the AOC (including implementation of the corrective action measure EPA selects), EPA will, as an initial matter, consider pursuing enforcement against TPC. Moreover, if necessary, EPA will use the funds TPC has secured from PNC Bank to finance implementation of the necessary corrective measures before seeking additional contribution from any potentially liable party. This letter addresses EPA's intentions under the RCRA Subtitle C program. This letter does not address any possible action by the State of Michigan with respect to any potential corrective action, underground storage tank, or other requirements that the state might deem appropriate at the Site. This letter is provided solely for informational purposes and does not

provide a release from RCRA liability. Finally, this letter will not apply to any entity in the future that engages in the treatment, storage or disposal of RCRA hazardous waste on this Site.

If you have questions regarding this letter, or if we can be of further assistance, please contact Joseph Kelly of my staff at (312) 353-2111.

Sincerely,



Jose G. Cisneros

Chief

Remediation and Reuse Branch

cc: Paula Holtz, City of Tecumseh
Dee Montgomery, MDEQ
Neil Silver, Kecskes, Silver & Gadd, P.C.

Attachments

EXHIBIT 1

LEGAL DESCRIPTION OF PROPERTY

Real property situated in the City of Tecumseh, County of Lenawee, Michigan, described as follows:

Parcel I

A parcel of land located in the Southwest ¼ of Section 34, Town 5 South, Range 4 East, City of Tecumseh, Lenawee County, Michigan and being a part of Lot 24 of "Assessor's Plat No. 6" City of Tecumseh as recorded in Liber 14, pages 15 through 17 in the Office of the Register of Deeds for Lenawee County, Michigan and being further described as: Beginning at the Southwest Corner of said Lot 24; thence North 00 degrees 21 minutes 34 seconds East, 959.73 feet (recorded as North 00 degrees 17 minutes East) along the West line of said Lot 24; thence North 89 degrees 21 minutes 43 seconds West, 25.00 feet; thence North 00 degrees 21 minutes 17 seconds East, 745.43 feet (recorded as North 00 degrees 17 minutes East) along the West line of said Lot 24 and its extension Southerly, to the Northwest Corner of said Lot 24; thence South 89 degrees 33 minutes 12 seconds East, 385.12 feet (recorded as South 89 degrees 37 minutes East, 384.8 feet) along the South line of Patterson Street; thence South 00 degrees 01 minutes 27 seconds East, 8.40 feet (recorded as South 00 degrees 02 minutes West, 8.4 feet) along said South line; thence North 89 degrees 40 minutes 52 seconds East, 896.23 feet (recorded as South 89 degrees 46 minutes East, 897.18 feet) along said South line to the Northeast Corner of said Lot 24; thence South 00 degrees 19 minutes 41 seconds West, 1526.83 feet (recorded as South 00 degrees 18 minutes West) along the West line of Maumee Street to the South line of said Lot 24; thence North 89 degrees 28 minutes 33 seconds West, 598.80 feet (recorded as North 89 degrees 34 minutes West) along said South line to the Northwest Corner of Lot 26 of said "Assessor's Plat No. 6" City of Tecumseh; thence South 00 degrees 42 minutes 29 seconds West, 178.06 (recorded as South 00 degrees 21 minutes West) along the West line of said Lot 24 to the Northeast Corner of Lot 25 of said "Assessor's Plat No. 6" City of Tecumseh; thence North 89 degrees 05 minutes 50 seconds West, 657.42 feet (recorded as North 89 degrees 05 minutes West, 657.3 feet) along the South line of said Lot 24 to the point of beginning.

All bearings are derived from the bearing of the South line of Lot 24 of "Assessor's Plat No. 6" City of Tecumseh as bearing North 89 degrees 04 minutes 00 seconds West as shown on the recorded plat, and KEBS, Inc. drawing of Job No. 05-B-76298.

All of the above described land also being described as follows:

Parcel "A"

Part of Lot 24 of Assessor's Plat No. 6 City of Tecumseh being part of the Southwest ¼ of Section 34, Town 5 South, Range 4 East, City of Tecumseh, Lenawee County, Michigan described as beginning at the Southwest corner of Lot 24 of "Assessor's Plat No. 6"; thence N 00 deg. 17' 00" E along the West line of said Lot 24 a distance of 959.53 feet (recorded as N 00 deg. 17' E 959.73 feet); thence N 89 deg. 03' 58" W a distance of 24.84 feet (recorded as N 89 deg. 21' 43" W 25 feet); thence N 00 deg. 15' 47" E a distance of 744.78 feet (recorded as N 00 deg. 17' E 745.43 feet) to a chiseled "X" at the South Right of Way line of Patterson Street; thence S 89 deg. 45' 16" E along the

South Right of Way line of Patterson Street a distance of 385.13 feet (recorded as S 89 deg. 37' E 384.8 feet) to a found nail; thence S 00 deg. 10' 05" E a distance of 8.38 feet (recorded as S 00 deg. 01' 27" E 8.4 feet) to a chiseled "X"; thence S 89 deg. 34' 16" E along the South Right of Way line of Patterson Street a distance of 896.18 feet (recorded as S 89 deg. 46' E 897.18 feet); thence S 00 deg. 14' 44" W a distance of 1,524.10 feet (recorded as S 00 deg. 18' W 1526.83 feet); thence N 89 deg. 33' 09" W a distance of 598.85 feet (recorded as N 89 deg. 34' W 598.80 feet); thence S 00 deg. 36' 36" W a distance of 178.08 feet (recorded as S 00 deg. 21' W 177.7 feet); thence N 89 deg. 10' 17" W a distance of 657.45 feet (recorded N 89 deg. 05' W 657.3 feet) to the Point of Beginning.

Contains 2,052,326 square feet or 47.114 acres. Subject to any easements, restrictions, and Rights of Way of record if any.

100 E. Patterson St., Tecumseh, MI 49286
Tax ID. No.: 325-0241-00 (as to Parcels 1 & 2)

Parcel 2

Situated in the City (formerly Township) of Tecumseh, County of Lenawee, Michigan, to wit:

All that part of the Southwest Quarter (1/4) of Section Thirty-four (34) in Town Five (5) South, Range Four (4) East, described as commencing in the center of highway at a point located Fifty-seven and five tenths (57.5) feet South Eighty-eight (88) degrees Forty-five (45) minutes East from the Southwest corner of said Section Thirty-four (34) and running thence North No (0) degrees Forty-one (41) minutes East and along the East line of land now, or formerly, owned by the New York Central Railroad Company Eight hundred forty and six tenths (840.6) feet, thence South Eighty-eight (88) degrees Forty-five (45) minutes East Six hundred fifty-seven and four tenths (657.4) feet, thence South No (0) degrees Forty-five (45) minutes West Eight hundred forty and six tenths (840.6) feet to the center of highway, thence North Eighty-eight (88) degrees Forty-five (45) minutes West Six hundred fifty-six and eight tenths (656.8) feet to the place of beginning, except the northerly One hundred seventy-seven and seven tenths (177.7) feet thereof as described in Liber 398 at Folio 146, containing Ten (10) acres of land more or less.

SAVE AND EXCEPT:

Situated in the City of Tecumseh, County of Lenawee, Michigan:

All that part of the Southwest 1/4 of Section 34, Town 5 South, Range 4 East, (also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats on Page 15, 16 and 17, Lenawee County Records) described as beginning 464.03 feet S 89 deg. 04' 00" E (along the south line of said Section 34) and 283.00 feet N 00 deg. 21' 00" E from the Southwest corner of Section 34 aforesaid; thence N 00 deg. 21' 00" E 176.00 feet; thence S 89 deg. 04' 00" E 250.00 feet; thence S 00 deg. 21' 00" W 176.00 feet along the east line of said Lot 25; thence N 89 deg. 04' 00" W 250.00 feet to the place of beginning. Containing 1.01 acres.

SAVE AND EXCEPT:



Situated in the City of Tecumseh, County of Lenawee, Michigan:

All that part of the Southwest $\frac{1}{4}$ of Section 34, Town 5 South, Range 4 East, (also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats, Pages 15, 16 and 17, Lenawee County Records), described as beginning at the Southwest corner of Lot 25, aforesaid, 57.56 feet (recorded as 57.3 feet) South 89 deg. 04' 00" East (along the South line of said Section 34) and 33.00 feet North 00 deg. 17' 00" East from the Southwest corner of said Section 34; thence North 00 deg. 17' 00" East 426.00 feet along the West line of said Lot 25; thence South 89 deg. 04' 00" East 326.97 feet; thence South 00 deg. 17' 00" West 176.00 feet; thence North 89 deg. 04' 00" West 120.00 feet; thence South 00 deg. 21' 00" West 250.00 feet to the South line of said Lot 25; thence North 89 deg. 04' 00" West 206.68 feet to the point of beginning.

SAVE AND EXCEPT:

Situated in the City of Tecumseh County of Lenawee, Michigan, to-wit:

All that part of the Southwest $\frac{1}{4}$ of Section 34, Town 5 South, Range 4 East, (Also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats on Pages 15, 16 and 17, Lenawee County Records), described as beginning on the south line of Lot 25 aforesaid 464.03 feet S 89 deg. 04' 00" E (along the south line of said Section 34) and 33.00 feet N 00 deg. 21' 00" E from the Southwest corner of Section 34 aforesaid; thence N 00 deg. 21' 00" E 250.00 feet; thence S 89 deg. 04' 00" 250.00 feet to the east line of said Lot 25; thence S 00 deg. 21' 00" W 250.00 feet to the southeast corner of said Lot 25; thence N 89 deg. 04' 00" W 250.00 feet to the place of beginning containing 1.455 acres.

Subject to easements and restrictions of record.

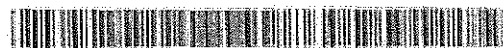
The bearings are referenced to the Assessor's Plat No. 6, as recorded in Liber 14 of Plats, Pages 15, 16 and 17, Lenawee County Records.

SAVE AND EXCEPT:

Situated in the City of Tecumseh, County of Lenawee, Michigan, to-wit:

All that part of the Southwest $\frac{1}{4}$ of Section 34, Town 5 South, Range 4 East, (Also being part of Lot 25, Assessor's Plat No. 6, City of Tecumseh, as recorded in Liber 14 of Plats on Pages 15, 16 and 17, Lenawee County Records), described as beginning on the south line of Lot 25 aforesaid 264.03 feet S 89 deg. 04' 00" E (along the south line of said Section 34) and 33.00 feet N 00 deg. E from the Southwest corner of Section 34 aforesaid; thence N 00 deg. 21' 00" E 250.00 feet; thence S 89 deg. 04' 00" 200.00 feet; thence S 00 deg. 21' 00" W 250.00 feet to the south line of said Lot 25; thence N 89 deg. 04' 00" W 200.00 feet to the place of beginning containing 1.148 acres.

The bearings are referenced to the Assessor's Plat No. 6, as recorded in Liber 14 of Plats, Pages 15, 16 and 17, Lenawee County Records.



805 S. Evans St., Tecumseh, MI 49286
Tax I.D. No.: 325-0250-00 (as to Parcel 3) Vacant Land



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EXHIBIT 2

SITE LAYOUT OF THE PROPERTY



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