

**NOTICE OF INTENT TO FILE SUIT**

**DATE:** August 26, 2008

<p>ACME Manufacturing, Inc., Resident Agent 5801 Green Road Petoskey, MI 49865</p> <p><b>Certified Mail N<sup>o</sup>:</b> 7006 2150 0004 1002 3188</p>	<p><b>Copy to:</b></p> <p>Mr. Carl Windsor STONE, BLOCK &amp; SMITH PLC One Michigan Avenue, Suite 150 Petoskey, MI 49865</p> <p><b>Certified Mail N<sup>o</sup>:</b> 7006 2150 0004 1002 3102</p>
<p><b>Copy to:</b></p> <p>Mr. Steven E. Chester, Director Department of Environmental Quality 525 West Allegan P.O. Box 30473 Lansing, MI 48909-7973</p> <p><b>Certified Mail N<sup>o</sup>:</b> 7006 2150 0004 1002 3119</p>	<p><b>Copy to:</b></p> <p>Mr. Mike Cox, Attorney General Office of Attorney General Mennen Williams Building, 7th Floor 525 W. Ottawa St. P.O. Box 30212 Lansing, MI 48909</p> <p><b>Certified Mail N<sup>o</sup>:</b> 7006 2150 0004 1002 3126</p>

**Notice filed on behalf of:**

Andrea & John Michaels  
Bethany & Frank Williamson  
Eric & Judith McCann  
Mike & Susan Sorenson  
Catherine Frankfort  
Kurt & Frida Russell

Julian & Julia Child  
Lewis & Meredith Clark  
William & Michelle Plank  
Jonathan & Rebecca Riddle  
Gregory & Linda Robinson  
Robert & Jane London

by **OLSON, BZDOK & HOWARD, P.C.**

**1. PURPOSE**

The purpose of this Notice is to inform ACME Manufacturing, Inc. (“ACME”) that the above named parties intend to file suit against ACME in the Grand Traverse County Circuit Court 60 days after the date of this notice under MCL 324.20101 *et seq.* (Part 201) and other applicable legal authorities.

**2. THE BASIS FOR THIS SUIT**

The Grand Traverse County Landfill, located in Petoskey, Michigan, is a site of environmental contamination in violation of Part 201 clean-up standards as well as Part 17 of the Natural Resources and Environmental Protection Act (MCL 324.1701 *et seq.*) and other statutes. ACME Manufacturing, Inc. (“ACME”) acquired Clarks and Robinsons, Inc. (“C&R”) in 1981 by corporate hostile takeover. Prior to acquisition by ACME, C&R disposed of waste sludge and oil and grease residue - both containing trichloroethylene - on various occasions at the Grand Traverse County Landfill, contributing to contamination of the landfill site. As a responsible party, ACME is liable for this environmental contamination and responsible for taking necessary corrective actions under Part 201.

**3. NATURE OF RELEASE**

Chemicals of concern known to exist in the groundwater exceeding state standards include: Diethyl Ether, 1,2 Dichloroethane, Trichloroethene, Iron, Arsenic, Manganese, and Lead. Chemicals of concern present in the groundwater and potentially exceeding state standards include: MTBE, Dichlorodifluoromethane, 1,1 - Dichloroethane, Trichlorofluoromethane, Vinyl Chloride, Cis-1,2-Dichloroethene, Benzene, Styrene, Dichloromethane, Toluene, Zinc.

**4. CLAIMANTS’ INJURY**

The noticing Parties live, vacation, and/or own property nearby the site. Their property values, health, safety, welfare and enjoyment of the environment are adversely affected by the continuing contamination of their groundwater.

**5. RELIEF REQUESTED**

The noticing Parties request that ACME further investigate the contamination of this site and surrounding properties, remediate the environmental contamination, and prevent future contamination from the site. These actions include, but are not limited to:

- 1) Provide potable water to residents with impacted wells - who are not already receiving potable water - through the use of filters, bottled water, or other means.

- 2) Determine the nature and extent of metals contamination in the groundwater under the landfill property and residential property in the line of groundwater flow from the landfill.
- 3) Identify the sources of ongoing contamination within the landfill.
- 4) Remediate the groundwater contamination through the removal or treatment of all source material, including but not limited to leachate.
- 5) Prevent contaminated groundwater from leaving the landfill property through the use of treatment technologies including but not limited to the following: air sparging, soil vapor extraction, injection of beneficial bacteria and/or nutrients, injection of zero valence iron or other cations, expanded purge well network, and/or any other effective treatment system for chemicals of concern.
- 6) Remediate all impacted groundwater using appropriate methods including but not limited to those described in paragraph 5), above.

If you fail to take the actions listed above, we will file an action seeking any and all relief provided by law, including an injunction requiring you to take the activities described above, civil penalties, Natural Resource Damages, and reimbursement of investigative expenses, costs and attorney fees.

OLSON, BZDOK & HOWARD, P.C.  
Attorneys for Noticing Parties

Date: August 26, 2008

By: \_\_\_\_\_  
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