

EPA TO CMS; “REMOVE, ISOLATE or CONTAIN CKD”

On 2/22/05, after 20 years of controversy, the EPA issued an “Administrative Order”, delegating the cleanup at Bay Harbor Resort to the Superfund Removal Response Authority. CMS, one of the Resort’s development partners, was held responsible for cleaning up this site contaminated with hazardous cement kiln dust (CKD) wastes. EPA declared that the CKD leachate (natural groundwater contaminated after flowing through the CKD piles) constituted a threat to public health, welfare and the environment. These findings reinforced a 2004 MDEQ report which found that exposure to CKD leachate will have injurious effect on public health, wildlife and aquatic life.

EPA’s 2005 “Order” lists specific measures to be taken by CMS to halt the delivery of toxic leachate into Little Traverse Bay (LTB), and to protect public health and the environment. EPA’s list contains many interim or stop-gap measures to be taken but clearly states that the ultimate or final remedy requires CMS to; (1) Remove the CKD, (2) Isolate or Contain the CKD, or (3) Other methods superior to (1) or (2).

In September 2007, following months of strong public protest over CMS’ plans to dispose toxic leachate in a deep well near Alba and discharge treated leachate into LTB, Friends of the Jordan (FOJ) hosted a day-long meeting between representatives of CMS, MDEQ and a panel of expert consultants and stakeholders. FOJ’s goals for this meeting were to persuade CMS to seek alternative methods of leachate disposal, stop the dispersal of toxic leachate and assist CMS in fulfilling EPA’s Order. The results of that meeting indicate that CMS only intends to implement some of interim measures far into the future and has no plans to remove, isolate or contain the CKD. To FOJ, this runs contrary to EPA’s Order and common sense.

Therefore, if there is ever to be an end to the debacle at Bay Harbor, EPA must enforce it’s “Order” of 2/22/05 and insist that CMS remove, isolate or contain the CKD, NOW. In so doing there would be no leachate, no need for a disposal well in Alba, no beach closures and threats to public health and the contamination of LTB would stop. Property owners at Bay Harbor would see their property values restored and the priceless water resources and the environment of Northern Michigan protected.

Why, in this world starved for fresh potable water, must we sit idly by while this unnecessary threat to the life-blood of our planet and quality of our lives- fresh clean water- goes unabated? We already have the tools and technology needed to solve this problem if we all work together toward the common goal of clean water. Please support our petition urging EPA and CMS to comply with the “Order” of 2/22/05. FOJ will compile your comments and forward them to EPA, MDEQ, CMS and our elected representatives.

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Dr. Richter is a veterinarian in East Jordan, MI and President of Friends of the Jordan River Watershed, Inc.