

Letter to Appeals Board - March 10, 2008

March 10, 2008
United States Environmental Protection Agency
Clerk of the Board, Environmental Appeals Board
Colorado Building, 1341 G Street, NW, Suite 600
Washington, D.C. 20005

Dear Environmental Appeals Board,

Pursuant to permit # MI-009-11-0001, and in accordance with 40 CFR~124.19, Friends of the Jordan River Watershed (FOJ) and Star Township, Antrim County hosted a "Community Forum" on 3/8/08 to petition the Environmental Appeals Board to review the many unresolved issues relative to the final permit decision. This "Community Forum" demonstrated the continued widespread opposition to Beeland Group's Class 1 Non-Hazardous Waste Disposal Well and illuminated the magnitude of unresolved issues and questions not considered by EPA under the UIC Rules in granting this permit. The enclosed transcript and video recording constitute a collective petition that clearly show that the conditions being appealed are based on, "IMPORTANT POLICY CONSIDERATIONS WHICH THE ENVIRONMENTAL APPEALS BOARD SHOULD, IN ITS DISCRETION, REVIEW." Together and individually, these statements cite the reasons supporting the review decision. While these issues and questions were raised during the initial comment periods, many have been sharpened and refined as we have had eight months to study and better understand the complex problems involved.

In June and July of 2007, during the recognized comment periods, FOJ submitted to Mr. Wm. Bates, EPA Region 5, numerous comments, petitions, resolutions and statements opposing this disposal well and raised many questions and concerns. Included in these submissions were resolutions from Antrim and Charlevoix County Commissions, City of East Jordan, Star Township, several NPOs and many, many others. You should have in your records a CD documenting these submissions as well as a significant electronic and paper file. Resultantly, these people, organizations and citizens should have legal standing with respect to EPA Appeals Rules. Therefore, the submissions included in this mailing, as an outcome of the "Community Forum", represent a continuum of these proceedings.

The reasons cited at the "Community Forum" supporting a review by EPA fell into several major categories not considered under the narrow UIC Rules. These categories include; nearly 30% of the public's comments were either not considered, rejected or inadequate under the narrow UIC Rules, this permit fails to consider all of our water resources and constitutes an unnecessary risk, this is a wrong and inadequate solution to the fundamental problems at Bay Harbor, the permit represents a failure by EPA to enforce its own Administrative Order of 2005 and a failure of EPA to address the total scope of the problems, not just those under UIC Rules, the Environmental Justice Evaluation was inadequate, and this permit failed to access prudent and feasible alternatives to the disposal well.

By prematurely granting this permit before a final remediation plan is adopted, EPA overlooks vital issues, leaves CMS unaccountable for the continued pollution at Bay Harbor with no incentive to perform a proper cleanup and jeopardizes another community and its natural resources. The UIC Rules, by themselves, are not adequate to address the myriad of issues surrounding the problems at Bay Harbor. But, by granting this permit with only these criteria, EPA is saying that no one, except CMS, is in charge and the rest of us do not matter.

If these are not important policy considerations please tell me what are. If EPA cannot exercise it's discretion here then they loose and sacrifice any authority and credibility to the thousands of citizens living in Northern Michigan. People expect more from the agency entrusted to protect the environment. EPA, you had it right the first time in 2005; REMOVE, ISOLATE, OR CONTAIN THE CKD AT BAY HARBOR. We respectfully urge you to exercise your discretion on these important policy considerations and review these issues in their entirety and deny this permit.

Respectfully Submitted,

Dr. John W. Richter
President, Friends of the Jordan River Watershed