

COMMUNITY FORUM COMMENTS - March 8, 2008, Alba High School

By: Dr. John W. Richter, President – Friends of the Jordan

Thank you all for taking time out of your busy lives to support this effort, and special thanks to Alba Schools for the use of this facility.

This “Community Forum” is designed to demonstrate; to the general public, our elected officials, CMS, DEQ and EPA, the strong – near unanimous opposition to this waste disposal well. It also demonstrates the many legitimate questions that are still unresolved.

According to EPA, an appeal can be based on either, (1) a finding of fact or conclusion of law which is clearly erroneous or, (2) “An exercise of discretion or an important policy consideration which the Environmental Appeals Board should, in its discretion, review.”

We think that the widespread opposition shown here today and during the initial comment periods where over 600 citizens signed petitions, two county commissions & several organizations passed resolutions and thousands of others voiced their disapproval,- plus the fact that over 30%of our public comments, rightfully submitted but were rejected or not considered by EPA,- “CONSTITUTE IMPORTANT POLICY CONSIDERATIONS”, that anyone with an ounce of discretion should reconsider or review.

Furthermore, anyone living in Charlevoix or Antrim Counties, or who signed our petitions, or who gave or submitted comments, has legal standing in this appeal because their concerns were raised and included in Friends of the Jordan’s initial responses during the initial Public Comment Periods.

I’ve said from the beginning that this permit process is DYSFUNCTIONAL. The permits for this well are based on very narrow Underground Injection Control Rules that only consider the engineering and operations of the well itself. All other concerns raised by you and us were not considered. Yet, by allowing this well, CMS will be able to collect and transport millions of gallons of contaminated water, dump it in Alba, tear up our roads, avoid properly cleaning up that waste site in Bay Harbor and potentially contaminate another site with far reaching consequences.

Talk about dysfunctional ...

- * Why were they allowed to build on top of the kiln dust when they knew it was a problem to begin with?
- * How can CMS continue to ignore and defy EPA’s Administrative Order of 2005 which clearly states, “REMOVE, ISOLATE, or CONTAIN the CKD, not transport its leachate to Alba?
- * Why is it that CMS alone can choose the method of cleanup and the site of contaminated waste disposal and the rest of us who live here don’t matter?
- * How is it that Bay Harbor and CMS can continue to pollute Little Traverse Bay and now threaten Alba and the Jordan River Watershed?
- * How can EPA approve a very risky disposal well, that nobody wants, except CMS, for up to 20 years, when there isn’t even a final cleanup plan in place for Bay Harbor?
- * How can CMS, without question, divert millions or billions of groundwater destined for Lake Michigan and pump it down a hole in Alba?
- * Is this not a major withdrawal or diversion of water?
- * Bay Harbor has been a known contaminated site for 20 years. How many more years will it take to finally contain or isolate the CKD and stop the pollution?
- * This disposal well is just too convenient for CMS and Bay Harbor.
- * We here may not all be geophysists, but we know what a skunk smells like when we smell one and we don’t want it in our back yard.

* Maybe CMS could hookup with Nestle Mountain Water, bottle it and sell it as "Mineral Water", fortified with "Trace Elements." Better yet, mix it with the waste CO2 and call it "Sparkling Mineral Water. They could probably get a permit for that too.

The experts at EPA and DEQ sat that this deep well disposal is a safe and proven method of waste disposal. They have learned from all the past failures and now the process is fool-proof (until the next failure). Their proof is that the Antrim Gas operations have been pumping into the same formation since the late 80's and nothing bad, to their knowledge has happened, yet. (Are they looking?) They even have nearly complete well logs since 1997! 50 years ago no one ever heard of Tar Lake or the TCE plume spreading out from Mancelona. Now Antrim County has the largest contaminated groundwater plume in Michigan. I'm impressed.(NOT!)

In its permit, Beeland Group cites evidence from a 1996 geologic survey that shows the Bell Shale layer to be impervious and a suitable capping layer for waste disposal in the Dundee Limestone below. However, a more recent and technologically superior survey, reported in 2002, demonstrates two major fault lines in these deep formations, running through Antrim County in the vicinity of this proposed well site and concludes that "the Bell Shale and Dundee Limestone formations are more fractured and permeable than previously thought." Why didn't Beeland Group cite and use these data or EPA acknowledge it in this permit even after it was pointed out to them? Moreover, why does the Department of Energy plan to drill nearly twice as deep (over 4000 ft.) to find a suitable formation to sequester CO2, a far less hazardous substance? Won't the Bell Shale and Dundee Limestone do the job as CMS, DEQ and EPA contend?

I'm no mathematician but things here just don't add up. According to DEQ, the current estimate of leachate to be transported and disposed of in Alba, 100,000 – 150,000 gallons per day, represents 3% - 8% of the total leachate from East Park only. East Park contains only 20% of the total CKD waste at Bay Harbor. The rest of the leachate still flows untreated into Little Traverse Bay. CMS contends they've improved their collection efficiency. OK, let's say they capture 50% of the leachate from East Park. Now we have 10x the volume of leachate to transport and dispose, 10x the number of tanker truck trips to and from Alba tearing up our roads and 10x the contaminants like mercury and arsenic. Does the Dundee Limestone have 10x the capacity? No one knows for sure. And remember, we're only talking about East Park. What about the other 80%???? Can one well handle 10x or 100x's the volume of leachate? Not likely. So, how many wells are we talking about? For how long? What happens if 10 or 50 years from now we discover the leachate has migrated elsewhere? It's happened far too often in other deep wells. What then? Sorry, too late? Who pays? - We do.

These issues were not considered for this well permit!!!!

There are prudent and feasible alternatives. Other cement plants with similar problems have cleaned up their wastes and contained the CKD without deep disposal wells. Grand Traverse Counties Septage Treatment Plant wants the leachate, can use the business and has the proven ability to dispose of it properly.

Finally, and most importantly, this deep well method of waste disposal doesn't solve the problems at Bay Harbor. Not even close. Even if this well performed as predicted, most of the contamination will still flow into Lake Michigan and will continue to do so for many years to come. Why aren't the people living along Little Traverse Bay outraged??

EPA, you had it right the first time in 2005, Remove, Isolate or Contain the CKD. Don't allow this band aid well proposal when the problems at Bay Harbor require major surgery. DENY THIS PERMIT AND ENFORCE YOUR ORDER !