

# OUT OF SIGHT, OUT OF MIND

## ALBA WASTE INDUSTRIAL WELL

Presented at the State Theater, February 19, 2009 – Traverse City, Michigan

### How long does it take for the substance of a mountain to be eroded by the forces of nature and washed to the sea?

This rhetorical question speaks to the massive scope and scale of the problems at Bay Harbor and the time needed, under the current cleanup plans, to resolve them.

How long?

In this case the mountain represents the huge piles of cement kiln dust, 2.5 million cubic yards of hazardous waste, improperly buried and hidden underground at Bay Harbor and East Park.

The forces of nature eroding this mountain of hazardous waste are groundwater, irrigation and, to a lesser extent, precipitation. As water percolates through these waste piles it is transformed into an even more toxic brew, CKD leachate.

This toxic leachate, so potent it can kill or maim on contact, then flows not to the sea but into the largest body of fresh water on the planet, the Great Lakes, along the shores of a posh resort and township park.

The currently approved cleanup plans being proffered by CMS attempt to intercept the leachate before it enters the lake or shoreline, neutralize its highly caustic pH with sulfuric acid and truck it off site for disposal. CMS hopes to transport and then pump 135,000 gallons of this toxic substance into a “deep” injection well near Alba every day. Alba, a quiet un-zoned rural community with limited financial resources, lies on top of the Northern Michigan Aquifer, which feeds some of our most revered rivers and watersheds, like the Jordan River Watershed, the Manistee, the AuSable, the Cedar, the Elk and others. Any mistake, leak, miscalculation or spill in the transport or transfer of this highly toxic leachate could contaminate this pristine aquifer and have far reaching, devastating effects that would be impossible to correct.

We have identified many flaws in the cleanup methods CMS has installed and in those being proposed. Time does not allow me to address them all but the tragic summary is that these proposed methods don't solve the problems at Bay Harbor. They merely transfer them to a distant pristine location and pass responsibility for them along future generations.

Our calculations show that it would take thousands of years to complete this cleanup under the current plans. **Thousands of years!** That means operating the high maintenance collection systems, diversion wells, flow- lines, sump pumps, forced mains and the like for perpetuity. That's like almost forever! How many tanker trucks and miles logged on our county roads will this take? How many more injection wells will be needed? Calculate one million gallons of toxic leachate per week, collected, neutralized, transported and pumped down the Alba well over thousands of years. How much is that?... Incalculable. Trace amounts of toxic heavy metals become tons when the variables of time and volume are factored in. This is especially important with toxins that are persistent in the environment like PCB's and dioxins or those that bio-accumulate like mercury.

The plans CMS has for cleaning up Bay Harbor and East Park are not sustainable, realistic or cost effective. They are therefore irresponsible and unethical. It is immoral to pass these toxic problems on to

future generations, risk polluting our priceless surface and groundwater resources and divert untold volumes of water away from Little Traverse Bay.

Our cleanup plan is simple. It is what should have been done in the first place before any development took place and before the former owner was let off the hook for the wastes he left behind. Our plan solves the problems once and for all in a timely and cost effective manner without the risk of contaminating other places. **Entomb the CKD in impervious cells at Bay Harbor.** "Isolate and contain..." the CKD just like the 2005 EPA Order says. (And to which CMS agreed). Furthermore, its shovel ready.

The process of entombment is widely used worldwide and not much different from building a standard hazardous waste landfill. To begin, a hole is excavated next to one end of a CKD pile. The location of the piles is well known. The hole is then lined with a material that is impervious to water and CKD, which will last forever. Next, excavate a portion of the adjacent CKD pile and place it into the lined hole or cell. Once the cell is full, cap it with the same material as the liner and proceed to line the newly created hole in the same manner as the first. Sequentially repeat the process until all the CKD is entombed.

This simple containment process halts the ebb and flow of water through the CKD piles and stops the generation of toxic leachate. Once complete there will be little or no need to truck leachate anywhere. There will be no need for injection wells in anybody's watershed. The lake and shoreline will be safe and the property owners at Bay Harbor can rest assured that their investments are secure. In addition, there is a cement plant just down the road that may be able to provide construction materials, create jobs and safely dispose of some of the leachate during the manufacturing and construction process.

The entombment of CKD could be completed in just a few years and work performed year-round, off season in a sequential manner, lessening the eye-sore and minimizing the footprint. It will involve digging up the golf course and some other areas but only temporarily and not all at once. The CKD would only need to be moved short distances and the work requires just simple excavating equipment.

We concede that there could be resistance to this plan and engineering challenges to overcome. But the merits of simplicity, costs and finality of this plan far, far outweigh the perils of the unacceptable methods currently being deployed. The costs of our plan, when factored over time, are a mere fraction of what CMS currently proposes and there is almost no risk of contaminating other places.

Consider some of the additional indirect benefits of our plan;

- CMS could save the money they are spending on lawyers and use it on the cleanup.
- CMS, EPA and DEQ can continue to avoid the costly analyses of leachate for the highly toxic compounds like PCB's, Dioxins and Furans likely to be found in the waste stream.
- There will no longer be a need to perpetuate the myths of designating the CKD as inert or the CKD leachate as non-hazardous.
- The City of Petoskey's municipal water supply will be spared any further risk of contamination from CKD and the people there can feel safer about drinking City water.
- The City of Petoskey may also be spared from having to explain why one of four City water wells located adjacent to Bay Harbor disintegrated and needed to be plugged and abandoned.
- CMS will not have to solve the problems of large amounts of CKD leachate continuously breaching under and around the collection system and entering Little Traverse Bay, untreated.
- CMS won't have to consider how to re-construct a submerged collection system when the water levels of the Great Lakes return to average.
- No one will need to know the results of the U.S. Coast Guard's Special Task Force investigation documenting the illegal burial of hazardous wastes at Bay Harbor or why the U.S. Attorney's Office in Grand Rapids did not act on this report.
- Our elected politicians won't have to answer to their constituents why, when provided this incriminating evidence, they did not intervene or investigate.
- EPA and DEQ can uphold the CERCLA / NCP Criteria and Standards required of a Superfund Site.
- Resort Township won't have to re-finance the cleanup at East Park when the plastic liners recently

installed fail after their expected 50-year useful life.

- Property owners at Bay Harbor or visitors to East Park need not worry that their family members, guests or grandchildren will be burned by the water when they decide to go for a swim or play on the beach.
- CMS will not have to explain to its shareholders how it intends to pay for this cleanup for perpetuity, what its liabilities are or how much it will ultimately cost.

The recent ruling by the 13<sup>th</sup> Circuit Court of Antrim County, issuing a temporary injunction against the drilling of the Alba injection well, was a clear and convincing victory for property rights, public health and the environment. Despite the overwhelming facts of law brought forward in this case and the strong public opposition to the Alba well, CMS/Beeland indicate they intend to appeal. We hope they don't continue down this path for the reasons already stated and that they will see the wisdom in solving this problem in a responsible manner, once and for all. We can litigate this for a long time, spend tons of money and good faith and quite likely end up right back to where we are today. That would be an unfortunate waste of time and money and gets us no closer to a real solution to the problems at Bay Harbor.

We are at a crossroads. For the first time the Alba well is off the table, albeit temporarily. We have a new opportunity to seriously consider sane alternative methods for the cleanup at Bay Harbor and East Park. If CMS adopted this plan we propose we would endorse it and assist in its implementation. We hope those with decision authority will reconsider and recognize the **risks, costs** and **futility** of pursuing their present course. CMS has the power to stop this train wreck and spare themselves and everybody else a great deal of grief. In the mean time, until that decision is made, we must remain vigilant and viable to ensure proper alternatives are seriously considered. We ask for and need your support in this endeavor. Thank you!

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