



FRIENDS OF THE JORDAN RIVER WATERSHED, INC.

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CKD Leachate Is Not Water ...

Friends of the Jordan River Watershed Inc. (FOJ) welcome the new efforts to reassess the cleanup of Cement Kiln Dust (CKD) Leachate contamination at Bay Harbor and Little Traverse Bay (LTB). We hope the Regional Stakeholders Group (RSG) can correctly identify and facilitate proper local cleanup alternatives. We are heartened that in CMS' recent public outreach, CMS recognizes that trucking 200,000 gallons of leachate per day to distant injection wells is not economical and poses increased risks. CMS' David Mengebier states, "Trucking the water, because of its increased public safety and transportation risks, environmental concerns and costs, is not a realistic long term remedy. We absolutely need...to identify a local solution to a local concern." FOJ especially wants to acknowledge the groundswell of citizens who spoke out and supported our call for better cleanup options and the Courts of Law for issuing and upholding an injunction against an Alba Injection Well. Perhaps now, serious and comprehensive consideration will be given to these massive problems.

Despite these positive developments FOJ is concerned about CMS' concerted efforts to "spin" the story about the extent of CKD contamination at Bay Harbor and in LTB. Recent newspaper ads, while professionally produced, fall short of a true characterization of the problems, denying the public real choices and facts needed to properly mitigate this Superfund Site.

One example is CMS' improper use of the word, "water". CKD leachate is **not** water. It is no more water than coffee, milk or household bleach. CKD leachate is strongly caustic and toxic (MDNR Toxicology Reports). CKD leachate is a Public Health Hazard (Northwest Michigan Public Health Agency Advisory). CKD leachate is a highly regulated industrial waste (EPA, MDEQ and U.S. Congress). Its physical and chemical properties bear little resemblance to water.

To repeatedly describe CKD leachate as something as benign as water is disingenuous and belies the fact that this toxic pollutant is a serious short and long term environmental contaminant with direct threats to public and ecological health. Furthermore, our calculations indicate that it will take hundreds, and more likely, thousands of years to dispose of the leachate based on current methodology. None of the "alternative choices" proffered by CMS consider this timeline. Neither do they answer the following questions. Disposed of where? For how long? At what cost? Paid by whom? How long is perpetuity? Is this responsible and ethical? Failure to address these and other issues destroys the credibility of this process and makes a proper solution unlikely.

Other important issues are omitted in these ads. What about the estimated 50% of total leachate which by-passes the collection system and enters LTB unabated every day? Why has an Environmental Assessment never been performed? What are the risks to the municipal water supply for the City of Petoskey? Why has EPA's 2005 Order of Consent "To Remove, Isolate or Contain the CKD..." been ignored? What effect does irrigating the golf courses with over

1,000,000 gallons of water per day have? Why isn't deep well disposal of 200,000 gallons of "tainted water" per day considered a diversion from LTB? Class I industrial waste injection wells, 2000 feet deep, are actually shallow by modern standards and not proven safe. How can the RSG be expected to realistically arrive at consensus by the EPA/MDEQ imposed deadline of October 2010? What then?

Similar omissions, mistakes and deceptions were made prior to the development of Bay Harbor when CKD was declared benign or "inert". The known threats of the vast piles of CKD were dismissed, down-played and ignored leading to their widespread dispersal instead of removal or containment. This lapse in oversight led directly to the exacerbation of CKD leachate contamination along LTB and compounded the myriad of problems we face today.

As the RSG grapples with these difficult issues and the public is finally invited to participate in the process, accuracy, transparency and candor are requisite for a successful outcome. Smoke & mirrors and pseudo-choices will not suffice to solve these problems. They are too large with ramifications so great as to be taken lightly. At least now, the public is informed and engaged. Let us put all the issues on the table and in the public arena and solve them together. FOJ will be an honest and diligent partner in these proceedings and expect all others to do the same.

Dr. John W. Richter; President – Friends of the Jordan River Watershed Inc., 11/28/09

Footnote: Bay Harbor will not become the true Five-Star Resort of Northern Michigan nor will Little Traverse Bay be the pristine natural resource it should be until the CKD contamination is credibly and responsibly resolved.