

FRIENDS OF THE JORDAN RIVER WATERSHED, INC.

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Friends of the Jordan Recommendations to the Regional Stakeholders Group Re: Little Traverse Bay CKD Release Site / Bay Harbor - East Park CERCLA/Superfund sites Concerning Cement Kiln Dust (CKD) Isolation and CKD Leachate Disposal

The mission of Friends of the Jordan River Watershed Inc. (FOJ) is to conserve the natural resources and protect the environmental quality of the Jordan River and its watershed. Our bylaws enable us to vigorously address issues impacting the Jordan River Watershed. Friends of the Jordan did not choose to be involved in the Little Traverse Bay (LTB) CKD Release Site. We have been dragged into this situation, along with Antrim County and others, because of the proposed Alba injection well. This injection well was slated to take millions of gallons of CKD industrial waste seepage (leachate) from the Bay Harbor and East Park sites.

Friends of the Jordan agree with the Regional Stakeholders Group (RSG) that a local solution is imperative at the LTB CKD Release Site. FOJ has no desire to influence policy that does not impact our watershed. However, an injection well within our watershed basin is seen to be a direct threat to the Jordan River Watershed as well as other Northern Michigan watersheds. It is unfortunate that past policy on development of the Little Traverse Bay site has had a direct influence in creating today's problems. **Without a proper cleanup of cement kiln dust (CKD) there will be no end in sight to problems and threats created by the need to dispose of millions of gallons CKD leachate.**

The Friends of the Jordan, after years of study and communication with DEQ, EPA, CMS and independent experts, understand that responsible remediation depends on long-term scientific solutions. This LTB Superfund challenge is enormous, complex and costly and there is no simple solution. We caution that fundamental misconceptions could interfere with proper cleanup. Until a proper remediation is accomplished, FOJ remains an interested party.

Recommendations of Friends of the Jordan River Watershed to the RSG:

1. The foremost final remedy options must include, to the extent practicable, the design and implementation of engineering controls to isolate and permanently contain cement kiln dust leachate source wastes, and the removal of cement kiln dust piles that leach when exposed to water. The cement kiln dust challenge has been framed as a "Water Disposal" (sic leachate disposal) activity. Friends of the Jordan assert that this is a CKD management challenge and **the final remedy must stop production of toxic leachate by preventing water from coming in contact with cement kiln dust.** Friends of the Jordan is concerned that an improper cleanup of CKD, allowing continued leachate production and necessitating the collection of leachate in the massive amounts currently collected, is unmanageable in the short and long term.

2. It is good that CMS is seeking a "local solution" and recognizes that trucking 200,000+ gallons of leachate per day to distant disposal sites is not economical and poses increased risks.¹

¹ CMS Land Update Fall 2009; Petoskey News Review; <http://www.protectingourbay> "Trucking the water, because of its increased public safety and transportation risks, environmental concerns, and cost, is not a realistic long-term remedy. We absolutely need - and are encouraged that the public has expressed a desire - to identify a local solution to a local concern.

Friends of the Jordan River welcome the new efforts to reassess the cleanup of unmanaged (CKD) and cement kiln dust leachate contamination at Bay Harbor Development and East Park. We are heartened by the broad based enthusiastic and expert involvement of the Regional Stakeholders Group. FOJ is adamant that transfer of LTB CKD industrial waste to the Jordan River Watershed is unacceptable. A local solution is necessary.

3. The costs of remediation alternatives must be calculated for the entire time period in which remediation, contamination management and oversight are needed. This time period, according to experts, could conservatively be thousands of years. CERCLA law calls for maintenance in “perpetuity”.

4. A multifaceted approach, incorporating a combination of remedies should be used in remediation and final remedy. Where isolation, containment or removal of CKD is not feasible, water diversion, leachate capture, seepage treatment and other local remedies should be implemented. To offset contaminants of concern (COCs) to surface water that are not captured and/or have been granted Technical Impracticability (TI) waivers, CMS should make every effort to engage in creative mitigation.

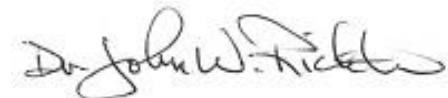
5. FOJ recommends that the EPA continue in the lead role at the LTB CKD Release Site until the final remediation is completed. The participation and leadership of the EPA in the LTB CERCLA site has improved public trust in the evaluation and remediation process.

Scientific data show CKD contamination dynamics to be elusive and unpredictable. Water levels in Lake Michigan vary dramatically influencing leachate collection systems. Changing weather patterns, fluctuating seasonal precipitation including 100 year storm events, seasonal irrigation and new flood patterns have significantly impacted drainage and leachate production patterns. The one constant is that when CKD is saturated with water, a caustic and toxic leachate solution is produced. The two primary objectives of long term CKD management must be to isolate the 2½ million cubic yards of CKD from water to the extent practicable and to find a local solution that does not negatively impact other communities.

The responsible parties, decision makers and stakeholders connected with the Little Traverse Bay CKD Release Site are many. While CMS has accepted leading financial responsibility and born extraordinary difficulties and expense for clean-up, Friends of the Jordan see a need for broad federal, state and local support in long term cleanup goals if a responsible, CKD management remedy is to be found and implemented.

Thank you for your consideration.

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



2-25-10

Submitted to RSG meeting 2-27-10 at Bay Harbor