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*Congress of the United States*  
*House of Representatives*  
Washington, DC 20515-2201

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ASSISTANT WHIP

Mrs. [REDACTED]

Bellaire, Michigan 49615

Dear [REDACTED]

Thank you for contacting me about the waste disposal injection well near Alba, Michigan. I appreciate hearing from you concerning this important issue and do not support DEQ's and EPA's decision to approve the proposal.

In 1993, Bay Harbor Company teamed up with Consumers Land Company, a subsidiary of Consumers Energy (CMS), to develop an area where a former cement plant operated into Lake Michigan resort and recreation complex. Because the site had previous environmental problems and to develop the property, a "Covenant Not to Sue" was negotiated and signed on July 11, 1994 between CMS, the State of Michigan, and the Department of Natural Resources.

Over two million cubic yards of cement kiln dust had been covered during the development of Bay Harbor. In 2004, it was discovered that cement kiln dust (CKD), a waste product of cement production, from the former cement plant on the site was leaching into Little Traverse Bay. As a result, portions of Little Traverse Bay tested in excess of Michigan water quality standards for pH, arsenic, mercury, and other pollutants.

In 2005, CMS assumed responsibility for the clean-up and entered into an Administrative Order of Consent (AOC) with the U.S. Environmental Protection Agency (EPA). CMS has reserved \$93 million for remediation of the CKD pollution. CMS is currently disposing the leachate by collecting and transporting it to an underground injection well near Johannesburg and a wastewater treatment plant in Grand Traverse County.

In 2007, CMS applied to the State of Michigan's Department of Environmental Quality (DEQ) for a Mineral Well permit and the EPA for an Underground Injection Well permit to construct and operate a Class I Injection well located near Alba, Michigan. This proposed injection well would be used to dispose of the wastewater removed from the Bay Harbor site. This location was identified by CMS because it is closer to the clean-up site, and the specific geological makeup in the area with layers of shale should provide a barrier to block upward wastewater flow.

The applications for the proposed injection well were approved by DEQ and EPA on February 7, 2008. I did not support the decision by DEQ and EPA to add another injection well in Antrim County as there are already over 100 gas and oil production wells within a 2 mile radius of the proposed area. I believe that the area may become saturated and jeopardize the environment despite assurances from DEQ and EPA. I am very concerned about the proposed injection well's proximity to local drinking water sources and believe other alternatives should have been explored.

Thank you again for contacting me. Please feel free to contact me or my staff in the future as this process moves forward.

Sincerely,

BART STUPAK  
Member of Congress

BTS/ rt