

# Transcript - Forest Waste Public Hearing July 20

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3 ENVIRONMENTAL

4 PROTECTION

5 AGENCY

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12 Public Comment Session

13 July 20, 2005

14 Otisville, Michigan

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18 Reported by:

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1 MR. de BLASIO: I am going to ask you to keep  
2 your comments to five minutes at a time. That's to  
3 give as many people as possible a chance to speak and  
4 if you have more comments you can get back in line and  
5 we'll listen to you again but we want to give as many  
6 people a chance as possible to speak.

7 When your name is called, I would appreciate  
8 it if you would come up here and speak into a  
9 microphone. We are having this transcribed and this  
10 will be part of the official record.

11 I also want to emphasize that even though  
12 this is the oral comment period, we will be accepting  
13 written comments through August 9, and written  
14 comments carry as much weight as the oral comments.  
15 It's just that we make the opportunity for oral  
16 comments to let people who feel that they can't do  
17 well writing and they would rather stand up and talk.

18 A few points, just want to make sure:  
19 Sometimes you may see us nodding our heads when you  
20 are talking. It's not necessarily that we are in  
21 agreement with what you say, it's just often it's an  
22 indication that we are listening to you. Sometimes we  
23 maybe laugh. We know that this is a serious matter.  
24 We are not laughing at the situation; it just may be

25 that the situation strikes us as funny so we may be

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1 laughing at you, but not laughing at the situation.

2 We want to show you respect and we would like  
3 you to have respect for each other. And as I said, we  
4 have a five-minute at a time limit so when your time  
5 is up I'll ask you to move on to the next so we can  
6 move on to the next person but you are certainly  
7 welcome to get back in line and make some more  
8 comments.

9 Finally, this often gets a little bit  
10 frustrating for people because you may have questions,  
11 you may have comments and you would like an answer but  
12 this is the public's time to be heard, and the E.P.A.  
13 will not be making oral responses or comments at this  
14 time. We'll make all our responses in writing in a  
15 written summary and that will be posted on the  
16 internet website.

17 Okay, the first name I have and, as far as I  
18 know, the only elected official is Archie Bailey and  
19 if you would come up, please, and pronounce your name  
20 and spell it for the court reporter.

21 MR. ARCHIE H. BAILEY: There are other  
22 elected officials here tonight. My compatriot Rose  
23 Bogardus who also represents this area, and I did see

24 John Gleason, State Rep. here earlier. Yes, John is  
25 in the back.

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1 According to your format if I go over my five  
2 minutes someone can waive their time?

3 MR. de BLASIO: The elected officials get  
4 more time.

5 MR. BAILEY: I want to start out by saying  
6 tonight my name is Archie Bailey of Flushing,  
7 Michigan. I am a Genesee County Commissioner for the  
8 7th District.

9 I want to begin by saying tonight that the  
10 comments I make, some of which may be harsh are not  
11 directed to the staff that are here tonight. They  
12 were not all around when all this happened, so there  
13 is no need for us to be critical of them, but there  
14 are some others that we should be critical of.

15 At this point in time there are apparently no  
16 human cases of negligence like two-headed turtles and  
17 rabbits with five legs, and so on, that we know of and  
18 that's probably the only good thing I can tell you  
19 tonight.

20 According to E.P.A. records, your own  
21 records, you reveal that you have been testing the

22 movement of this plume and that it could be a while  
23 before it begins to affect individuals, and I would  
24 like to take, have you take this question back to your  
25 colleagues in Chicago. How long do you estimate that

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1 that will be before this begins to knowingly affect  
2 human beings in this area?

3 I have a series of questions also: How  
4 confident is the E.P.A. that the plan that they are  
5 now proposing the property will be as effective as  
6 they think it is? We need an answer to that question.

7 We also need an answer to this question: Can  
8 you assure us that those who live in homes near the  
9 site have not had contaminants appear in their wells  
10 since the last time they were tested, whenever that  
11 was. Tonight we've heard a year; we've heard five  
12 years; we've heard seven years.

13 I would also like you to ask how long it will  
14 be before the current plumes will reach residents'  
15 wells if the technology alternatives that you are  
16 proposing tonight do not work? Obviously everything  
17 the E.P.A. has proposed to date for this site has not  
18 worked. If it had worked, we wouldn't be here tonight  
19 talking about it.

20 And I've got a final concern that came up

21 during the question period: The corporations -- and  
22 Rose Bogardus and I are committed to finding out the  
23 names of those corporations. We know that one is  
24 Visteon, a multi-million dollar organization. We are  
25 going to find out the names of them and get them to

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1 you.  
2 Those corporations who caused this pollution  
3 make up the coordinating committee that is responsible  
4 for the clean-up, and to me that's just insanity.  
5 That's just very, very unreasonable. And they have  
6 hired -- not the E.P.A. -- but these corporations who  
7 came in here in the dark of night back in the '70s and  
8 dumped all of this stuff have now hired the consultant  
9 who is going to finally present a plan to clean this  
10 up. And I guarantee you that it won't be a high  
11 dollar amount. If the costs range from 10 to 1 being  
12 the highest, it will be down 1, 2, or 3 at the bottom  
13 because they don't want to put money into it. They  
14 don't live here in the Forest Township area and I  
15 don't want to say that they care less about this than  
16 those of us who live here, but they don't want to  
17 spend a lot of money on it either. I think it's a  
18 blatant, blatant conflict of interest that the E.P.A.

19 has addressed and please take that message back to  
20 Chicago.

21 I would like you to stress that the people in  
22 Forest Township have brought up the issue, and you can  
23 tell them that in Chicago, that this is the case of  
24 the fox guarding the hen house or the rooster guarding  
25 the hens, or whatever it is, with this Forest Township

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1 Coordinating Council in charge of cleaning up this now  
2 what is becoming a deadly mess, a mess that they have  
3 created.

4 I want to read just two things briefly and  
5 one is from your own website. It says that this  
6 United States E.P.A. modified the 1988 agreement with  
7 quote: An explanation of significant differences on  
8 May the 4th, 1993. The 1993 E.S.D. deleted the  
9 requirement, 1993 deleted the requirement of a soil  
10 bentonite slurry wall which would have been a vertical  
11 barrier with a dewatering system surrounding this  
12 landfill. They pulled that out of the program. And I  
13 would like in my written response from the E.P.A. to  
14 have them tell me why they did that. That plan might  
15 have worked or it might have at least decreased what  
16 we have seen here tonight.

17 And something else that a gentleman brought

18 up tonight that I want to read for the record. It  
19 said that this Forest Township Waste Coordinating,  
20 whatever it is, removed contaminants from the lagoons  
21 in 1988 and '89. They did that first and I think they  
22 did that first because you can see them. You could  
23 have walked out there and seen the lagoons. They are  
24 gone. They removed some waste barrels. Some of them  
25 stacked three high. And contaminated soil from the

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1 landfill, in 1993 they capped it and then fenced it  
2 but left those contaminants in there, and I would like  
3 to you ask your leaders in Chicago why they did that.  
4 And finally, I'm wondering here in little  
5 Otisville, Forest Township, how confident we can be in  
6 the E.P.A. and their plan and the continuation of  
7 their monitoring the success of the solutions that are  
8 proposed tonight, given the record of the federal  
9 government in other areas.

10 I'll give you just three examples: One is  
11 the current gutting of the Clean Air Act which is  
12 taking place at the federal level.

13 The second are cases like Vioxx and Celebrex,  
14 and so on, where the federal government dropped the  
15 oversight on all of those;



16 And the third and another one that affects  
17 everybody sitting in this room is the waste coming  
18 into Genesee County from Canada with a federal law on  
19 the books that permits it regardless of what the  
20 Supreme Court has said.

21 So please return to Chicago and tell your  
22 supervisors that they need to assure the people in  
23 Forest Township, Michigan, the local people here that  
24 this time the clean-up has to work. It has to work.  
25 And to help guarantee that, my colleague Rose Bogardus

1 and I are going to meet next Monday or Tuesday with  
2 the Genesee County Health Department, and then we are  
3 going to ask the one person who can really assist in  
4 this and get some action to meet with us either here  
5 or in Washington -- and we'll pay our own way if we go  
6 to Washington -- and that's Congressman Dale Kildee  
7 who has a lot of muscle. He would be here tonight if  
8 we had invited him and I think he is our only ray of  
9 hope at this point, although not that I don't have  
10 confidence in what you guys are talking about tonight  
11 but we've heard this story before, haven't we? We've  
12 heard it too many times and I think it's time now to  
13 call on others who can help us, other than, with all  
14 due respect, the Environmental Protection Agency.

15 So those are my comments. Thank you.

16 MR. de BLASIO: The next person I have on  
17 here is, well, I don't know if you are going to talk  
18 in tandem, Curt and Linda Scheidler.

19 MS. LINDA SCHEIDLER: Linda  
20 S-c-h-e-i-d-l-e-r-. I live at 9080 East Lake Road,  
21 and my comment is could you please test my pond. I  
22 consume the fish out of it and that's it.

23 MR. de BLASIO: Again, I have two people,  
24 Todd and Jennifer Hahn.

25 MR. HAHN: I thought that was a sign-in

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1 sheet. I'll waive my time.

2 MR. de BLASIO: Oh, okay. And if I call your  
3 name and you decide you don't want to talk, then you  
4 don't have to.

5 This looks like James. Okay, James changed  
6 his mind.

7 Matt Engber? Changed his mind. Okay.

8 Annette Sorensen.

9 MS. ANNETTE SORENSEN: I am Annette Sorensen,  
10 S-o-r-e-n-s-e-n. We live on Gale. My question,  
11 there's two of them.

12 Butternut Creek goes right through our

13 property and we would like you to start testing the  
14 water in Butternut Creek if it could be done, please.  
15 And also regarding the emissions on some of  
16 the alternatives, the minor emissions, maybe not, they  
17 might not bother people that do not have breathing  
18 problems but those of us that have asthma, the least  
19 little thing can set you off, and I guess I would like  
20 to know how much are the minor emissions, how much are  
21 they and what will they be. Okay? Thank you.

22 MR. de BLASIO: I apologize for  
23 mispronouncing anyone's name so correct me if I do it.  
24 This looks like to be John Counelis. Mr. Counelis?

25 MR. JOHN COUNELIS: John C-o-u-n-e-l-i-s,

1 9151 Farrand Road.

2 The question that I asked Richard Boice was  
3 were the contaminants coming from the capped landfill  
4 or was they coming strictly from the plume, spreading  
5 from the plume. The answer that I got was we do have  
6 contaminants coming from the capped landfill. So if  
7 we do have contaminants coming from the capped  
8 landfill as well as the plume, then I concur with a  
9 few of the individuals in here that I think it would  
10 be a good idea to dig up the contaminated soil, dig up  
11 the broken, rusted, leaking barrells, get rid of the

12 source and then go ahead and continue with what it  
13 takes to clean up the plumes.

14 MR. de BLASIO: Thank you. Linda Gellings?

15 MS. LINDA GELLINGS: Linda Gellings,  
16 G-e-l-l-i-n-g-s.

17 My concerns are similar to John's. It was  
18 never clarified to me where the source of the  
19 contaminants that are spreading are coming from. Are  
20 they exclusively from the landfill area? To me I  
21 could never get that clarified. I would like that  
22 clarified if it's strictly from there and it's flowing  
23 up or wherever it's going, and I would like to see  
24 that out of there. Get it out, truck it out, do  
25 whatever you got to do. It seems ineffective what

1 they did. That was it.

2 MR. de BLASIO: Thank you. Lonnie Kester?

3 MR. LONNIE KESTER: My name is Lonnie,  
4 L-o-n-n-i-e, Kester, K-e-s-t-e-r.

5 My questions are this: I own 255 acres that  
6 is just east of your pumping restriction area. I  
7 received a letter. I have been impacted by this dump  
8 in many ways.

9 I bought, I had a purchase agreement on Burt

10 Wilson's farm back in 1993 and he received a letter  
11 from Sally Beebee, and part of the purchase agreement  
12 was Mr. Wilson was due a Phase I environmental audit,  
13 and he didn't want to do it so he walked away from the  
14 property.

15 But the letter from Sally Beebee dated  
16 December 13, 1993 said to Mr. Wilson "As you know,  
17 ground water flowed in the direction in the vicinity  
18 of the site is east, southeast in the direction away  
19 from your property."

20 After that -- we walked away from that -- we  
21 had a verbal agreement to buy the 80-acre parcel from  
22 Mr. Forsythe that the FWCC bought. We had a certified  
23 check made out to Mr. Forsythe. I talked to an  
24 attorney with Ford Motor Company out of Southfield.  
25 They more or less intimidated Mr. Forsythe not to sell

1 that land. Mr. Forsythe was so intimidated that he  
2 backed out of our verbal agreement, and I agree with  
3 Mr. Bailey. I think we really should watch -- you  
4 can shear sheep many times but you can only skin it  
5 once. Just once.

6 And also I mulch the contaminated area, the  
7 11 acres. I did the mulching job on that so I know  
8 what was back there. I seen the drums. I worked with

9 I think it was Weston Contractors that did the job  
10 there.

11 But on my 255 acres, I was in litigation for  
12 three and a half years with Forest Township. I spent  
13 10s of thousands of dollars in legal fees and  
14 consulting fees and right now it's currently zoned for  
15 a 400-unit modular home park and we, in the  
16 preliminary site plan, we have three 12-inch wells.  
17 Now I've spent a considerable amount of investment in  
18 that property. Right now the manufactured home  
19 industry is in a stalemate because of the low interest  
20 rates. Some day that could turn around and some day I  
21 want to put a manufactured home park there but what's  
22 that going to do to the three wells? Not only is it  
23 going to de-value my property, but am I going to have  
24 a clear conscience developing that property? Knowing  
25 that that stuff could be under there?

1 So as a private citizen, I would very much  
2 without consulting counsel, I would have to consult  
3 counsel, but I would very much like a test well on the  
4 back end of my property to see if that's coming in  
5 there because some day that could have 400 homes on  
6 there, and I know this guy here he didn't cause the

7 contamination but he's the one that's got to deal with  
8 it and I thank him for his patience, him and Richard  
9 both. Thank you.

10 MR. de BLASIO: Thank you. Diane Root?

11 MS. DIANE ROOTE: Diane Root, R-o-o-t. 12270  
12 Gale Road, Otisville.

13 I would like further clarification on my  
14 comment about new ground water wells such as  
15 enforcement by the Genesee County Health Department  
16 and the E.P.A. working with property owners to place  
17 well restrictions on Deeds.

18 I'd also like to know if there is any  
19 evidence that oil wells to the west may have stirred  
20 up some of the underlying water.

21 Sally Beebee, again, of the Environmental  
22 Response Division did come in on October 8, 1996.  
23 "Property values near a Superfund site can be  
24 negatively impacted because of its proximity to a site  
25 of environmental contamination," end of quote. Could

1 this be elaborated on today and especially the word  
2 "proximity."

3 How many years from today July 20, 2005, will  
4 wells be (inaudible)? How many private wells total in  
5 number today have been tested as of today's date? And

6 would it be a correct assumption to make that when  
7 toxins reach the water supply they are unpredictable.  
8 That's all.

9 MR. de BLASIO: Thank you. Jerry Rowland?

10 MR. JERRY ROWLAND: My name is Jerry Rowland,  
11 R-o-w-l-a-n-d.

12 I live at 9317 Farrand Road, and I'm sort of  
13 west of the site a bit, but my concern is or my main  
14 concern is we have been dealing with this two decades.  
15 I read over their five options and none of them I  
16 really accept because you are not really dealing with  
17 the source.

18 If you are looking at this, if they are  
19 coming from both these places, you are going to catch  
20 here and here, how long does it take it to look good?  
21 But you clean that up and there is some that keeps  
22 coming, keeps coming, how long is it going to be  
23 before it's clean? So why don't we just do it right  
24 and go to the source, and I know it's been said before  
25 but I don't, can you give me an idea if you use your

1 plan here how long it would be? Do you really know  
2 how much stuff is in there? You can't really tell me  
3 how long. You can't really tell me too much. I would



4 like to know.

5 MR. de BLASIO: Mr. Rowland was the last one  
6 I had signed up. Is there anybody else that would  
7 like to make a comment?

8 MR. STEVEN NADEAU: My name is Steven Nadeau,  
9 and I represent the infamous Forest Waste Coordinating  
10 Committee.

11 And against my better judgment, I thought I  
12 should at least try to clarify a few things so you  
13 have some other information to consider. And the  
14 reason I say that is because of the way the questions  
15 have come out, we have had a lot of small chunks of  
16 information that don't put together the big picture.

17 And so if you promise not to attack me, I'll  
18 try to give you a few more items of information to  
19 consider as you write your comments, and I appreciate  
20 the opportunity to do so.

21 I've actually been working with this  
22 committee since it started in 1986 and that's a long  
23 time and I appreciate your patience, but there are a  
24 lot of the steps that went into the process and this  
25 isn't an excuse but just an explanation of what has

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1 transpired over time.

2 What we are dealing with now is the ground

3 water impact from this landfill. This landfill was  
4 used in the '70s. The regulations were poor. The  
5 companies didn't know any better. A lot of companies  
6 didn't even know their waste was going there. That is  
7 still not an excuse. That's kind of a history fact.

8 But there are a couple of key things  
9 here: In terms of the landfill, someone pointed out  
10 that the lagoons were taken first. The lagoons were  
11 taken first because they were easy to identify. They  
12 are easy to test and clean and the Agency had to deal  
13 with a whole bunch of issues and they asked us "Will  
14 you clean up the landfills," and we did. And we  
15 tested them until we got to clean soil, so that's not  
16 a source. It is completely gone. Completely clean.

17 Then we looked at the landfill. And when you  
18 are looking at landfills, it's not very customary to  
19 dig up an entire landfill.

20 There was a big debate about what's in this  
21 landfill. And so what we suggested is let's not just  
22 guess what's in this landfill. Let's open it up and  
23 that's exactly what we did.

24 It took until about 1988 or 1989 to convince  
25 everybody that this was a good idea but we had every

1 record of what went in here and mostly it was drums  
2 that had paint sludge in it so paint sludge hardens  
3 like a rock eventually, and a lot of these drums went  
4 to Berlin & Farro and they dumped all the liquid out  
5 and someone got the bright idea of bringing the drums  
6 empty here. We know they weren't completely empty.  
7 They had paint sludge primarily.

8       Based on all the drums that we pulled out,  
9 nowhere we had chemicals or solvents in drums intact  
10 that we could pour out the liquid because if you had  
11 that situation you would certainly pour those out.

12       So the original remedy was done in the  
13 landfill after the landfill was tested with  
14 magnetometers to look for all the metal. All the  
15 places where metal was found were staked out and then  
16 tests were done with backhoes so you could see is this  
17 a refrigerator or is this a bunch of drums.

18       Then a map was drawn where all the heavy  
19 concentration of metal was and the drums in those  
20 areas were taken out. Now all of this is done under  
21 E.P.A.'s watchful eye on the State.

22       And there has been a comment, the  
23 commissioner thought that there was a conflict of  
24 interest but there isn't a conflict of interest and  
25 I'll explain why. You don't have to believe me; you

1 don't have to accept what I'm saying. But under the  
2 law the companies that put this waste here, whether  
3 they knew it or not, whatever their motive was, it was  
4 put here as a part of a licensed landfill. They have  
5 an obligation to clean it up and they have an  
6 obligation to watch dog this forever.

7       So concerns about the remedy, I want to  
8 explain a little bit about the testing program and  
9 then the remedies are going to be built. But we went  
10 ahead when we did the drum removal and our requirement  
11 under the Consent Decree was to dig out the areas in  
12 the rectangles that have been drawn. And based on the  
13 test pits, and I remember sitting in my office many a  
14 day "We found more drums; what should we do," the  
15 group said. Every single time, "Take those drums  
16 out." The obligation was if it's in the box and you  
17 see a drum on the other side of the wall where the box  
18 is drawn, you don't have to take it. We took those.  
19 We spent a lot of money doing that because we wanted  
20 to do the right thing because if you remove those  
21 drums it will be better for long-term issues so you do  
22 that first. Then we put the cap on.

23       By the time we did the drums and all and had  
24 all the approvals, that's '96, '97. That's all out.  
25 We put this cap over it. There are liners and liners.

1 You should only get a smidgeon of water through that  
2 cap now.

3       And I would like to clarify the comment that  
4 was a response to one of the questions about what's  
5 the source of the ground water now? I think there is  
6 a common perception that the remedies have failed and  
7 that's why the ground water is impacted. We have done  
8 studies. We can calculate and we have calculated how  
9 fast the water flows and from that we know that the  
10 plume is here and here (indicating) and we know from  
11 that distance and how fast it flows that that ground  
12 water that's contaminated had to leave the landfill  
13 well before the remedies were even started. And so  
14 the great bulk of this, if not all of this  
15 (indicating) left before 1988 when the first remedy  
16 was built. So now we've sealed it up in 1997, and I  
17 would respectfully disagree based on the scientific  
18 reports I've read, we believe that there is very  
19 little and almost probably nothing coming out of the  
20 landfill.

21       And the question has come up "Well, why  
22 didn't you build a wall back in 1993?" This is the  
23 equivalent of a wall, but it is a new technology and  
24 it is a chemical area. So instead of putting

25 bentonite in which will block it, this destroys

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1 anything that's coming out of the landfill.

2       So in our opinion we are aggressively  
3 attacking the problem in two ways: Number one, we  
4 don't want anything else to go out here or here ever  
5 again so this wall will chemically attack and destroy  
6 what's coming out.

7       In the meantime we don't want this or this to  
8 go any further, so we are going to go out and inject  
9 now as soon as we get approvals to knock this down and  
10 neutralize it so it becomes acceptable levels once  
11 again. So, again, we proposed this. No one beat us  
12 over the head.

13       And in terms of the conflict question, what  
14 we say means something. What we do is we spend the  
15 money and do the study and say this is the way we  
16 believe we should go but the Agency has the upper hand  
17 and the control. That is very customary. These  
18 companies have problems, not just here but in other  
19 places because of our historical past.

20       The E.P.A. and the State are the watch dogs  
21 here and if they disagree with us and we have  
22 generally been in agreement most of the time because  
23 if you ask the Agency we have stepped up every single

24 time we have had to.

25 When we discovered this -- another

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1 interesting history of historical fact is it was  
2 originally believed that this was going east. There  
3 is virtually nothing in any of this place, any  
4 contamination here. There is very, very low levels.  
5 And we haven't seen anything in years. This was  
6 believed to be the up-gradient side.

7 You just couldn't believe the shock we had in  
8 1995 when we put a well right here that was supposed  
9 to be crystal clean and we found contamination. So  
10 from that point on we put wells all over the place.  
11 This looks like munster cheese, not swiss cheese  
12 because we have wells all over the place.

13 The concept of what we are going to do at the  
14 site is we have to define the edge which we have now  
15 done. It took us five years because we kept getting  
16 surprises. Every time we got a new surprise, we went  
17 out either deeper and wider until we found the edges.  
18 And the concept is once you find the edge, you want to  
19 make sure you have it clean. If you get a detection  
20 in that clone well, you've got a new edge. You've got  
21 to deal with it. So we are going to hit it here at

22 the edges; and if we get a new problem, let's say it's  
23 over here, the law says and our companies are saying  
24 we are going to deal with that. But the key is if  
25 you've got it defined in the box and you go here or

1 here or here or here because we are going to test this  
2 all the time for a long, long period, over 30 years,  
3 maybe forever because we have to continue to test the  
4 edges we'll know before any house is ever impacted.  
5 If there is an impact, we will deal with it at that  
6 point.

7 No house has ever had a drop of contamination  
8 found in it and we are not going to let that happen  
9 because we are going to test it before it can get  
10 close to the houses.

11 In terms of the remedy itself and the ones  
12 that are under consideration, we are doing pilots.  
13 And I think there is a little bit of misunderstanding  
14 of where we are in the process. The pilots are to  
15 show, first we do -- first we identify the  
16 technologies that we think are best, and then we've  
17 taken soil from the site and contaminants from the  
18 site in the water and we've tested it in a laboratory,  
19 and the tests show that our technology that we are  
20 considering destroys the contaminants.



21 Now the next step which is what we are doing  
22 right now is we are doing pilots in the ground at the  
23 site. We have to prove that the lab conditions are  
24 going to work here. Now if we are wrong, we have to  
25 come back out here and do another remedy, so there is

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1 actually no incentive to do it on the cheap. The  
2 incentive is to do it right. So you do it once.  
3 Technology has changed. If you look at the  
4 list of alternatives, you'd say "There is the \$8  
5 million remedy, pump and treat. It's got to be  
6 better." We've had 30 years of pump and treat, and it  
7 works really well for a short period of time and then  
8 everything levels off and you get stuck at a number  
9 and you never get your clean-up level. The pump and  
10 treat system is just not a great system.

11 What we are trying to do is destroy the  
12 chemicals fast and efficiently where we can get at  
13 them and then we have to prove that we've done that  
14 and we have to prove that we keep that edge always in  
15 place. We always have to know where that edge is.

16 Mr. Burns lived up this way. His well was in  
17 the middle of the three water zones. This is a little  
18 confusing. Basically there are three zones. One is

19 right near the top. State law says you don't sink a  
20 well in that shallow of water.

21 The second zone is the deep aquifer and there  
22 is some contamination over here in the deep aquifer.  
23 The Burns' well was in the deep aquifer. It was not  
24 contaminated. His house was here. We knew that the  
25 edge was here and the group said "We don't want you to

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1 worry about this at all. We are going to give you a  
2 new well," and we put in a new well and made  
3 absolutely sure because his was one of the closest  
4 ones. We have done everything possible to address  
5 this problem.

6 You have to live here. I appreciate that,  
7 but we really care about getting this done right and  
8 we are going as fast as we can under the regulations  
9 and getting approvals and we are going to cover that.

10 MR. de BLASIO: He has gone over his five  
11 minutes but obviously this is something from your  
12 faces that this is something that you are interested  
13 in so is there anybody else who wants to make comments  
14 at this time? Okay, we'll let you make your comments  
15 and then let Mr. Nadeau continue.

16 MR. NADEAU: I think I have covered  
17 everything. Just let me look over my notes.

18 MR. de BLASIO: What I was going to suggest  
19 is that we finish up with the public comments and then  
20 ask Mr. Nadeau to stay here and you can have an  
21 interchange of questions and answers with him which is  
22 not part of the comment period. If you would like to  
23 do that. Does anybody have any objection to that?

24 Okay. If Mr. Nadeau will finish his comments  
25 and then this gentleman and then if everybody has had

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1 a chance to speak we'll end the comment period and  
2 then have a question and answer session with  
3 Mr. Nadeau.

4 MR. NADEAU: I am near the end of the list.  
5 I tried to jot down some of the questions and concerns  
6 I heard and wanted to make sure that I provided the  
7 best information that I could to address them but not  
8 just in a hodge-podge manner.

9 One of the things on the list I meant to  
10 cover is that we have tested the lake. We have not  
11 only tested the water in the lake, but if  
12 contamination was going into the lake it would come  
13 under the lake and then up. And so we did a unique  
14 test because usually you put a well in the ground and  
15 you sample from the well and that's how you find

16 contamination.

17        Here, what we did is you put your samplers  
18 under the lake bottom just before the water is coming  
19 in the lake because otherwise if it hits the lake  
20 you'll say "Oh, it's diluted." So if it's coming into  
21 the lake up, you want to catch it right before it goes  
22 in. The lake water is clean and we have a defined  
23 plume here.

24        Butternut Creek was sampled many times in the  
25 past. There is really nothing going on in the east.

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1 If you live on this side, there is no flow of  
2 contaminants that way.

3        We have done, I can't remember the number of  
4 wells; we probably have 200 monitoring wells in the  
5 site. Normally you do 20 or 30 or so. The bottom  
6 line is this: We are going to attack this here and  
7 here on the edges. We are going to attack it here so  
8 we don't get this moving down. We think that this is  
9 buttoned up. When you put a cap on, it really seals  
10 up what's in here.

11        We removed a great bulk of the drums. Did we  
12 get every single one? No, but we have a cap that  
13 dries this out. Between the time when this was put on  
14 and the waste was put in the ground gave it time to

15 migrate. This is degrading but not fast enough so we  
16 want to attack it and help it degrade faster.  
17 I appreciate your politeness in listening and  
18 hearing me out. I will be happy to answer more  
19 questions but I felt it important to understand this  
20 in a big picture sense. We are committed to this  
21 clean-up. We have been in it for the long haul. We  
22 wish we had known in 1985 that there was something out  
23 here. It would have been better for us to know  
24 because now it's moved more. We might have caught it  
25 here and here, but we had all of the reports that were

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1 done before and they said this was not an issue. We  
2 found it inadvertently which was good because we  
3 needed to know. Thanks for the time.

4 MR. de BLASIO: Yes, sir.

5 MR. JOHN GLEASON: My name is John Gleason,  
6 G-l-e-a-s-o-n, State Representative for the area.

7 I have a few questions as well.

8 When I first got here you had mentioned,  
9 someone had mentioned about the frequency of testing  
10 of the wells if we could increase the number of tests,  
11 make them more frequent? I believe the statement that  
12 was made was six months between the check-ups, between

13 the testing of the wells. I think that's not frequent  
14 enough for the public's safety.

15       Also I would like to know because of the  
16 previous attempts if we have compromised the  
17 culpability of the parties responsible for this or are  
18 they responsible for the duration of the oversight and  
19 any other responsibilities in regard to this site?  
20 Have we lost any leverage on holding them accountable  
21 by saying this site was previously contained.

22       Also, I would like to know if anywhere, that  
23 the E.P.A. has control over the United States, if any  
24 personal property values, if the integrity of the cost  
25 of the value of the homeowners has been compromised by

1 situations similar to this.

2       Finally, I would like to ask if you had  
3 mentioned -- where did the gentleman go? You had  
4 mentioned you put this wall up instead of the previous  
5 recommendation you have gone this way? When we put  
6 these barriers up could that possibly lead to  
7 migration of the ingredient to a different direction?  
8 Typically if it's potentially possible that we may  
9 lead to migration in a different way by putting this  
10 blockage up.

11       Also I would just like to make this

12 statement: It seems like there is a great deal of  
13 mistrust in the community from previous attempts by  
14 the E.P.A. and those responsible parties for oversight  
15 here. I think this community is due more frequent  
16 updates, settings like we are having here this evening  
17 that will be run through the Township Hall to make  
18 sure that their concerns are addressed. I would have  
19 a great deal of concern if I lived in this vicinity  
20 and I had a well and I had to drink that water. I  
21 think the public is owed the opportunity to hear more  
22 frequently about the condition of their drinking  
23 water. That's my remarks. Thank you.

24 MR. de BLASIO: Anybody else have any  
25 comments that they want to make?

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1 Okay, having heard all comments from those  
2 present, we'll declare the hearing adjourned and thank  
3 you and that's the end of the comment period but you  
4 still have a chance to write in. Remember you can  
5 send in your comments by August 9.

6 (Record closed at 9:15 p.m.)

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1                    CERTIFICATE

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STATE OF MICHIGAN    )

5                            ) SS:

COUNTY OF KENT        )

6

7            I, ARLENE M. WRIGHT, Certified Shorthand

8 Reporter, a Notary Public, hereby certify that I recorded



9 in shorthand the foregoing E.P.A. Hearing.

10

11 I also certify that I am not a relative or  
12 employee of or agent of an attorney for a party; or  
13 financially interested in the action.

14

15

ARLENE M. WRIGHT, CSR-0034, RPR  
Registered Professional Reporter

16

17 Notary Public, Kent County, Michigan

18 My commission expires: 02/18/08

19 Dated: This 16th day of August, 2005.

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