

SR-49, As Adopted by Senate, April 25, 2007

Senator George offered the following resolution:

Senate Resolution No. 49.

A resolution to urge the United States Environmental Protection Agency and the Michigan Department of Environmental Quality to hold public hearings to explain options and to answer questions concerning the long-term management and disposal plans for the polychlorinated biphenyl-contaminated sediments from the Kalamazoo River Superfund site.

Whereas, The Kalamazoo River Superfund site was officially added to the national priority list for cleanups in 1990 based on evidence of extensive polychlorinated biphenyl (PCB) contamination in the sediments, soils, water, fish, and wildlife. This Superfund site comprises five disposal areas, five paper mill properties, 80 miles of the Kalamazoo River, and three miles of Portage Creek. Recently, the United States Environmental Protection Agency (EPA), the Michigan Department of Environmental Quality (DEQ), and the responsible parties entered into an administrative settlement agreement and order on consent for cleanup of the Plainwell impoundment area of the Superfund site; and

Whereas, The investigation and negotiations required at this Superfund site have spanned nearly 20 years. The recently signed cleanup agreement was negotiated in private and addresses the disposal of the Plainwell impoundment's contaminated sediments. While this agreement may focus on the short-term disposal plan for these PCB-contaminated sediments, the public and local and state elected officials have not had an opportunity to learn about, understand, and comment on this agreement; and

Whereas, The options for disposing of PCB-contaminated sediments in Michigan are limited. Disposal of hundreds of thousands of cubic yards of contaminated sediments from this Superfund site may exceed the capacity of available, qualified disposal sites. The EPA and DEQ have proposed temporary disposal of the contaminated Plainwell impoundment sediments. However, they have not addressed the issue of permanent, long-term disposal of these and the remaining contaminated sediments in the Kalamazoo River Superfund site. It is imperative that EPA and DEQ engage in a public discussion of the options to address permanent disposal in light of the state's PCB disposal capacity shortage; and

Whereas, Significant questions and concerns have been raised that need to be addressed in a timely manner. What studies have been completed on the long-term use of the on-site landfills and how will future uses affect the containment of the PCB wastes? Will the contaminated sediment be moved to a permanent facility and, if so, when? Providing residents, local and state elected officials, and others with an opportunity to learn about the long-term permanent disposal options for these PCB-contaminated sediments is crucial; now, therefore, be it

Resolved by the Senate, That we urge the United States Environmental Protection Agency and the Michigan Department of Environmental Quality to hold public hearings to explain options and to answer questions concerning the long-term management and disposal options for polychlorinated biphenyl-contaminated sediments from the Kalamazoo River Superfund site; and be it further

Resolved, That copies of this resolution be transmitted to the director of the Michigan Department of Environmental Quality, the Governor of Michigan, and the United States Environmental Protection Agency, Region 5.