

Little Traverse Bay ENVIRONMENTAL PROJECT

UPDATE

A Message to Northwest Michigan Residents



David Mengebier
President
CMS Land Company

THERE ARE NOT TOO MANY PEOPLE who get to experience changes of season as dramatically as do residents of Northwest Michigan. There really is no in-between. Great snow and cold winters for part of the year and warm days for time at the beach when summer comes.

As a native of Petoskey, these changes – and the activities they bring — are some of the things about my hometown that I enjoy most. They also are a great analogy for the dramatic and beautiful changes in store for area residents with the grand reopening of Resort Township’s East Park this summer.

I mentioned in my last update on the environmental progress being made in and around the Bay Harbor community and Little Traverse Bay shoreline, that final touches were being completed at the new East Park. Now, I have the privilege of letting you know that June 20 will mark the park’s official reopening to the public.

Please let me be one of the first to join Resort Township officials in inviting you to visit and see the amazing work that has been done there.

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When one looks at old photos or recalls memories of the old cement plant that used to sit on the shore, it is remarkable to see how much progress has been made in successfully and safely reopening East Park. It’s an environmental achievement for which the whole community can take pride.

The opening of East Park, however, is not the only important progress being made as part of the Little Traverse Bay Environmental Project. In this edition, there is information about the work nearing completion at Village Harbor within the Bay Harbor community, as well as along the Little Traverse Bay shoreline in the development.

In addition, we’ve included an update for you on the latest activity around the proposed deep injection well to be located in Antrim County. Recent testing there has confirmed preliminary information that was contained in our permit application.

Such information is very important for both residents and for the courts, as we continue to explore safe and effective ways to handle the challenges left by the old cement plant.

As always, the intention of these updates is to keep you informed of the latest news and activity about the Little Traverse Bay Environmental Project. Completing the work of this project in a timely way is in everyone’s interest, and that is our goal. We are working with officials at both the state and federal government levels to make that happen.

Thank you again for your interest, and I hope to see you in June at the “new” East Park.

With ski runs visible in the distance, East Park awaits visitors.



East Park Reopening Set for June 20

AFTER BEING closed for more than three years, Resort Township’s East Park officially will be reopened to the public on June 20 with a ribbon cutting ceremony and other activities.

The township board closed the park in April 2005 to allow CMS Land to address the environmental challenges left behind by the cement plant that once operated along the shore.

CMS Land completed the majority of its environmental work at the park last fall and Resort Township has been busy readying the park for the public to enjoy. As part of its remediation activities, CMS Land agreed to provide Resort Township with \$390,000 to replace park infrastructure that was removed during environmental work.

PARK IMPROVEMENTS

A number of park enhancements and improvements have been included in the restoration.

The new parking design now includes 91 spaces — more than double the old design — and includes six spaces reserved for handicapped use and four spaces reserved for motor coaches.

The new park lighting is “dark sky certified.” These fixtures provide an appropriate amount of light for safe park use while minimizing light pollution. Other areas of the park will have limited lighting, affording park visitors a “dark sky viewing” experience.

Other park improvements include:

- More than 250 trees and shrubs
- About 7,000 square feet of new sidewalk
- A rerouted Quarry Drive that will provide new and interesting views of Little Traverse Bay
- Direct access from the recently completed extension of the Little Traverse Wheelway to the park and its restroom facilities
- A refurbished restroom, pavilion and gazebo

“All of us involved in the environmental project recognized what a jewel the park is and how important it is to local residents,” said CMS Land President Dave Mengebier. “From the start of the project, we have conducted our work with the goal of returning the park to the public as soon as possible, while doing the work necessary to protect the public and the environment.”

The environmental solutions installed over the past three years include:

- Relocating about 30,000 cubic yards of cement dust left behind by the old plant, greatly reducing its contact with groundwater
- Shaping the entire dust pile that makes up the

central and west side of the park to maximize water run-off

- Capping and isolating the entire pile with a water proof liner to prevent water infiltration
- Installing 800 feet of collection lines to intercept water coming from the pile before it reaches Lake Michigan
- Installing five diversion wells to redirect water around the pile

In addition, at the suggestion of Tip of the Mitt Watershed Council, CMS Land installed a Downstream Defender in the park. The device will filter debris such as salts, oil and wrappers from the water running off paved surfaces into the storm sewer system before the water runoff enters the bay.



When East Park reopens on June 20, visitors will once again enjoy splendid Northwest Michigan vistas from the park.

Recently, CMS Land installed seven additional water monitoring well nests in East Park to help measure mercury concentrations and groundwater flow. There are now 50 monitoring wells in 14 strategic locations in the park. Information collected from the wells will be used to finalize remediation plans and environmental compliance standards.

“The information collected from the monitoring wells will provide more information about the effectiveness of the remedies installed in East Park and establish future compliance standards that will help protect the environment,” Mengebier said.

The remedies installed at the park are performing very well. Data collected last year from the existing monitoring wells indicate a significant reduction of mercury making its way to the lake.

The remedies also have been very effective in controlling pH levels at the park. Continued environmental improvement is expected when the remedies are well established and working in concert.

“The remedies we’ve installed are performing

Depending on the season, 10 to 16 water tanker trucks leave the site's water treatment facilities each day.



Scientific and Legal Steps Move Ahead with Antrim Well

State asks for another review of well location in Emmet County

LEGAL DISCUSSIONS continue regarding the proposed deep-injection disposal well in Antrim County. Consistent with the approved permits issued by both the U.S. Environmental Protection Agency (EPA) and Michigan Department of Environmental Quality (MDEQ), Beeland Group, LLC, a CMS Land affiliate, continues to pursue the well because it is a safe option and critical component of bringing the Little Traverse Bay Environmental Project to a successful conclusion for the entire region.

Now, depending on the season, 10 to 16 water tanker trucks leave the site each day. Some of the collected water is shipped to the Grand Traverse Water Treatment facility and after being treated with other waste streams is discharged safely into the bay. The rest of the water is shipped to a disposal well — very similar to the one that is proposed in Antrim County — near Johannesburg. While both locations have been safely disposing of the water, the Antrim County site would increase public safety and reduce environmental impacts by cutting truck transportation miles roughly in half.

Both government regulators and scientific research have determined that the Antrim County well would be a safe

method for disposing of the collected water, which is non-hazardous. In addition, recent testing at the Alba site confirmed what

early research had already indicated: that the area's groundwater is located almost 2,000 feet above the planned disposal zone for the project's water.

This is important information for both residents and the courts as the legal process continues. On Jan. 29, an Antrim County Circuit Court judge granted those opposing the well a preliminary injunction preventing initial on-site development of the well. This decision came after the plaintiffs were denied two agency appeals, one by a unanimous decision of a three-judge panel of the EPA Environmental Appeals Board, as well as a decision by a state Administrative Law Judge.

Ironically, the injunction currently prohibits a test drilling of the well to

determine if in fact it can operate safely. Test drilling to validate the well's safety must be done before regulators would issue an operating permit. Beeland has filed an appeal to the injunction order.

Also, on Feb. 18, the Ingham County Circuit Court rejected the plaintiffs' request to file a late appeal directly challenging the MDEQ's decision to issue the injection well permit. The Ingham County Circuit Court ruled that plaintiffs had not established good cause for their late appeal. The court also denied the plaintiffs' subsequent request for reconsideration of that ruling.

"From the very beginning of this process, the science has indicated that a well in Antrim County would be a safe method to dispose of the collected water," said David Mengebier, president of CMS Land Company. "The law and the science will continue to guide us as we move forward. The evidence is overwhelming that this well can be operated safely."

Both the EPA and MDEQ granted the well permit after more than a year of exhaustive review. Both organizations approved the permit noting that the well can operate safely and will not harm drinking water sources or the Jordan River.

EMMET COUNTY WELL

As reported in various media outlets, MDEQ has asked CMS Land to explore again the possibility of locating a water disposal well near the Little Traverse Bay Environmental Project. The well likely would be located in Resort Township in Emmet County.

Two years ago, CMS Land began the process of identifying a suitable location for a well and examined the available geological information about Emmet County. The analysis was that Emmet County was not a suitable geological location to safely install a disposal well.

As CMS Land continues to work with the state and federal regulatory agencies, however, the MDEQ asked CMS Land to look again at placing a well locally.

While CMS Land will continue to evaluate all possible water disposal options and has consistently stated its desire to secure approval for a local option, the proposed well in Antrim County remains an important part of a much larger effort to clean the shore and protect the Little Traverse Bay.

Project Work Continues During Winter, Picks Up in Spring

Work on the Little Traverse Bay Environmental Project continued through the winter, despite the challenges of harsh weather.

About 6,000 cubic yards of a soil and cement dust mixture were removed over the winter from the shoreline of the West Pile area of the Bay Harbor development. It took more than 700 truck trips to remove more than 24 million pounds of material and bring in more than 12 million pounds of clean material to replace it. The work required the removal of a water collection line installed in that area and a replacement line is being installed this spring.

Spring also is bringing new work along the shoreline at Pine Court and other parts of the Bay Harbor community. CMS Land is installing 29 additional monitoring wells in seven locations in Bay Harbor. The wells are similar to those installed at Resort Township's East Park. The information collected from these wells will be used to finalize remediation plans and compliance standards, important milestones for a project that already has taken more than four years and cost more than \$80 million.

Overall, the water collection lines installed at East Park and Bay Harbor continue to perform well with shoreline readings routinely less than the targeted level of pH 9.

Work started last year and continued this spring to enhance environmental

Despite winter, work continued along the western shoreline of the Bay Harbor development.



performance along the shoreline of the Pine Court area of the development. That work includes expanding a "targeted" water collection system under a nearby part of the golf course. This system pulls water from an area identified by scientific study as an underground collection area. Water also will be collected from the shoreline in this area. Readings of pH levels predominately between 9.0 and 9.5 — similar to toothpaste or milk of magnesia — have been found on occasion in the Pine Court area. Those intermittent readings occur mainly in the spring when there is heavy snow melt and rain.

At Village Harbor Lake, a barge was used late last year to cap and isolate a targeted section of the bottom of the lake with layers of gravel, sand, and a geotextile layer. (Geotextiles are permeable fabrics that typically are used in earthwork applications to separate, filter, or stabilize soils.)

That work continued into December and resumed this spring. The work plan calls for crews to place another geotextile layer on the targeted section, then restore it to its original condition. That work is scheduled to be completed by Memorial Day weekend.

East Park Celebration Activities

Representatives from Resort Township, Top of Michigan Trails Council, the City of Petoskey and CMS Land are planning the events that will commemorate the reopening of East Park to the public.

The day's events also will include the dedication of the Resort Bluffs segment of the Little Traverse Wheelway.

The June 20 event will begin at 9:00 am with a pancake breakfast served by the Rotary Club of Petoskey and entertainment provided by the Petoskey Steel Drum Band.

Several speakers will share their thoughts about the park and two bicycles — one each for a child and adult — will be raffled off to those in attendance.

Other handouts and mementos also will be distributed.

"We are excited to welcome our friends, neighbors and visitors back to the park," said Resort Township Supervisor and planning committee member Bob Wheaton. "We have spent a lot of time and thought on redesigning the park so that it is better than before. We are anxious to have people visit the park and give us their reactions."

"The completion of the Resort Bluffs segment is important because it completes what is regarded as one of the most picturesque trails in the country," says Anne McDevitt, executive director of the Trails Council. "We thank the many collaborators who have made this trail a reality."

McDevitt is encouraging members of the public to ride their bikes to East Park for the reopening event. "As soon as the park ceremonies are completed we hope to have a large group bike through the new trail segment and enjoy events that are scheduled at the Petoskey Historical Museum in Magnus Park," she said.



AGENDA

- 9:00** Breakfast served by the Rotary Club of Petoskey, Music by Petoskey Steel Drum Band
- 9:45** Blessing of the Park
Raising of the Flag
National Anthem
- 10:00** Speakers
Ribbon cutting
Drawing for two bicycles
- 11:00** Group bike ride to Historical Museum in Petoskey

East Park Reopens

FROM FRONT PAGE

very well," said Mengebier. "While we performed the remediation work without a finalized approved plan from the regulators, we felt it was important enough to move forward with the remedies proven effective at other sites and return the park to the public."

"I'm grateful for the patience of the public over the past three years as necessary work closed the park," continued Mengebier. "I think residents will be pleased when they see the results of our work and the work of Resort Township."

"I believe East Park is now one of the finest township public parks in Michigan and even the country."

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