

QUESTIONS AND ANSWERS CONCERNING PROPOSED GROUNDWATER ORDINANCE

1. Why is a groundwater restriction ordinance being proposed?

The West KLA Group, which is a group of potentially responsible parties that are undertaking a cleanup of contamination at or emanating from the former West KLA Landfill, is applying to the Van Buren/Cass County District Public Health Department to establish a groundwater use restricted zone in Almena Township in Van Buren County in an area west of 22nd Street and north of M-43, including portions of Fish Hatchery Road and Sunset Drive (see map). The restricted zone is intended to prevent exposure to contaminated groundwater released from the former landfill.

2. What does the groundwater ordinance as drafted attempt to provide, and are there exceptions?

The draft ordinance, if adopted, will establish a restricted zone and will prohibit the use and installation of wells in the restricted zone in Almena Township unless the well is approved by U.S. EPA or EGLE and the Health Department. Under the draft ordinance, residences not already hooked up to available municipal water will be connected by the West KLA Group to a municipal water system. Aside from wells approved by the agencies based on a showing that there will be no impact from or impact on the existing groundwater contamination, the draft ordinance will provide other minor exceptions, including for instances of construction dewatering, agency approved heat exchange, or agency approved irrigation and industrial wells.

3. What is the cause of the contamination?

The West KLA Landfill was closed in 1979 when contamination from the landfill was found in groundwater near the landfill. The remedy approved by the U.S. EPA includes prohibiting the use of groundwater that has been impacted above health-based levels, and providing an alternative water supply. Although most contaminants associated with the landfill have naturally broken down to the point that they no longer present a concern, some contamination remains in groundwater. Some of this impacted groundwater has, over time, migrated into a portion of eastern Almena Township in Van Buren County.

4. Will the adoption and implementation of the ordinance result in costs for the health department or any residents in the proposed restricted zone?

The ordinance, as drafted, requires the West KLA Group to pay for the costs of connection to an available municipal water system or drilling a new replacement well unaffected by contamination when connection to a municipal system is not available and the costs of plugging the existing well. The health department costs, as well as its attorney fees, are expected to be paid by the West KLA Group too.

5. What guarantee exists that the costs of adoption and implementation of the ordinance will be covered by the West KLA Goup?

The West KLA Group has established a certificate of insurance in the current amount of \$16,400,000 to fulfill its financial responsibility requirements to insure that the work necessitated under a federal court consent decree, including the groundwater restriction requirements, are satisfied. This financial assurance mechanism requirement is regularly reviewed by U.S. EPA.

6. What is the position of the U.S. EPA and EGLE on the groundwater restriction ordinance?

Both agencies are supportive of the draft ordinance which will help implement the remediation required under a federal court consent decree. Both agencies are expected to attend the upcoming hearing on the ordinance.

7. Can the ordinance be amended and under what circumstances?

The ordinance as drafted allows for modifying, adding or repealing restricted zones. However, any such change requires prior notice of at least 30 days to EGLE and U.S. EPA and cannot be passed without written concurrence of EGLE and U.S. EPA.