

MDCH Response to Public Comments and Questions Received during the June 20, 2012 Community Meeting in Lake Linden, Michigan, but Not Pertaining to the Drinking Water and Physical Hazards Public Health Assessments Discussed at the Meeting

MDCH compiled the comments and questions received at the June 20, 2012 community meeting in Lake Linden, Michigan. Questions and comments received that did not apply to either public health assessment document specifically are addressed here. MDCH conferred with EPA and MDEQ to obtain accurate information and are including their responses here as a courtesy.

Questions and comments pertaining to the drinking water report are addressed in an appendix of that document.

Questions and comments pertaining to the physical hazards document are addressed in an appendix of that report.

There is a concern about high levels of mercury being discharged into Lake Superior from mining operations. Is there a concern that because of the flushing action of the Portage Lake canal from the big lake that we will find high levels of mercury in the fish in the Portage Canal?

According to Sharon Baker, with the MDEQ Area of Concern program, the mercury levels found in fish from Torch Lake are similar to those in fish sampled from other inland lakes. The levels of PCBs found in fish from Torch Lake are higher than the PCB levels found in Portage Lake fish. Both of the lakes' fish have PCBs levels that are higher than those in fish collected at the Lake Superior control site, Huron Bay (near northeast Baraga County).

MDCH has no waterbody-specific fish eating guidelines for Portage Canal; however, there are guidelines for Portage Lake and Torch Lake. Before preparing and eating locally caught fish, please refer to the Michigan "Eat Safe Fish" (formerly the Michigan Fish Advisory) guidelines found at www.michigan.gov/eatsafefish.

The borrow pit has exposed stampsands. (This was assumed later to be the excavation on Rice Lake Rd.)

According to the EPA Remedial Project Manager, the borrow material was used at properties where the vegetative cover was put in place.

According to the MDEQ Superfund Project Manager, Scott Cornelius, this particular borrow pit does not contain stampsands, although there may be stampsand piles elsewhere on the property. It is the responsibility of the landowner to cover the pit back up, to prevent the erosion of any stampsands by wind or rain. If the open pits are causing a sedimentation or drainage issue, the drain commissioner has the authority to make the property owners address the issue. Privately owned stampsand piles may be used as allowed by state or local laws or regulations.

There was a stack in Hubbell that was knocked down. Was it tested?

MDEQ believes that the question refers to the Mineral Building property next to PCI (Peninsula Copper Industries). MDEQ has collected samples from this location, which is included in the on-going MDEQ and EPA site assessment efforts. Please contact the MDEQ

Superfund Project Manager, Scott Cornelius (corneliuss@michigan.gov or 517-373-7367), for more information.

Why isn't a cleanup done to residential standards as opposed to a Brownfield-type cleanup?

This is not specifically a Brownfield- or residential-type cleanup. According to the EPA Remedial Project Manager, the data collected so far indicate that residential reuse does *not* need to be prohibited at these properties. The locations associated with the Torch Lake Superfund site were covered to prevent migration of material and further degradation of the water bodies. Land use limitations on the properties where the cover is implemented include not removing the cover or, if the cover is removed, that an equally protective cover is put in its place. A building would suffice as an equally protective cover, according to EPA.

In general, cleanup standards are dictated by intended land use. For example, if the future use of the site is business or commercial, standards for residential use may not be appropriate for the site. The same may apply for areas that will be a future parking lot where people would not have contact with soil.

MDCH is preparing two additional public health assessment documents, which will be available for public review and comment in the spring of 2013. Those documents evaluate inhalation of (breathing) stampsands that become airborne dust and recreational exposure to stampsands at beaches. It is possible that the findings of these documents may result in recommendations for additional remediation.

“Stampsand isn't stampsand.” (This was assumed to mean that no two stampsand piles are the same.)

The physical stamping removed some copper from the ore, and the chemical processing done later for some of those tailings resulted in stampsands with even lower copper concentrations. There are other metals in the tailings, including arsenic and manganese. Each stampsand pile is unique, depending, for instance, on the ore it was derived from, degree of processing, and weathering.

Were all stampsands processed twice?

No. It is MDCH's understanding that the stampsands at Gay were only physically processed. Michigan Technological University commented in the 1992 EPA Record of Decision (ROD) for Operable Units 1 and 3 that the stampsands at Point Mills, Grosse Point, and Isle Royale “were not subject to regrinding and secondary copper processing.”¹ There are other stampsand piles throughout the Keweenaw Peninsula, but MDCH does not know to what degree they were processed or the levels of metals in the tailings.

Why is stampsand allowed to be spread on roads? It's a form of toxic waste, right? Are the stampsands still used widely on roads/or for brick and block construction?

The Keweenaw County Road Commission, owner of the Gay stampsands, indicates that MDEQ allowed use of those stampsands for any purpose (e.g. traction material, road surfacing and fill) other than backfill around culverts. MDCH has requested more information on that matter.

¹ <http://www.epa.gov/superfund/sites/rods/fulltext/r0592215.pdf>

The 1992 ROD for Operable Units 1 and 3 mentions the tailings (stampsand) pile at the Houghton County Road Commission in Point Mills and the use of the tailings for winter road traction material. The ROD states “the tailing pile presents no unacceptable risk to human health.”² EPA based that statement on findings from a 1992 risk assessment.

Since the issuance of the ROD, MDCH used additional stampsand data, more recent toxicity information, and updated risk assessment methodologies to evaluate public health implications of exposure to stampsands. These evaluations will be discussed in public health assessment documents that should be available for public review and comment in the spring of 2013. One of the public health assessment documents evaluates whether inhaling stampsands that become resuspended in air would cause harm. The document considers the stampsand pile in Point Mills, at the Road Commission property, and the stretch of stampsands along Lake Superior in Gay.

What data or event triggered the process that eventually led to Torch Lake becoming a Superfund site? How does that data relate to the need, currently, to warrant an update here tonight?

Torch Lake was proposed for inclusion on the National Priorities List (NPL, or “Superfund”) in 1984 primarily due to the presence of copper mining waste. Also, there were reports of fish tumors in sauger and walleye taken from Torch Lake, prompting a “do not eat” guideline for those species in the lake, starting in 1983. This guideline was lifted in the early 1990s (the tumors had disappeared), but a guideline recommending reduced consumption due to mercury and, later, PCBs was placed on fish in Torch Lake.

Since Torch Lake became a Superfund site, the EPA has conducted several remedial actions, such as covering certain areas of stampsands.

In 2008, at the request of MDEQ, MDCH conducted a site visit to view the Torch Lake site and other non-Superfund areas that were related to historic copper mining activities. MDEQ staff had concerns about physical hazards or chemical contamination and requested a public health evaluation. The local health department, who had participated in the site visit, added their support to MDEQ’s request.

Why was the PAC not included in earlier emails, since they are an elected body?

In the beginning of the Public Health Assessment process, MDCH primarily communicated with the Western Upper Peninsula Health Department, MDEQ, and EPA. MDCH then conferred with local government officials when developing the fact sheets that describe the public health assessment documents. The PAC (Public Advisory Committee) is associated with the Torch Lake Area of Concern (AOC) and not the Superfund program. AOCs are concerned with Beneficial Use Impairments. For Torch Lake, the impairments are a restriction on fish consumption and the degradation of benthos. Since the two released Public Health Assessments did not address AOC-related issues, MDCH did not include the PAC in the communication process. The PAC has been informed of the upcoming documents, one of which includes a discussion of recreational beach use and consumption of fish.

Why kind of technical assistance grants might be available?

According to the EPA Community Involvement Coordinator, Dave Novak, a local citizens group received a Technical Assistance Grant (TAG) to review and discuss EPA’s work

² <http://www.epa.gov/superfund/sites/rods/fulltext/r0592215.pdf>

at the Torch Lake site and share information with the local community. The group was formed to represent the community surrounding the site. Money, in the form of a grant that could be renewed periodically, was given to this local TAG group and was accounted for by periodic reporting to EPA. This TAG expired long ago. A TAG at this point in the process would not be advisable as several of the Operable Units (OUs) have been or are in the process of being delisted. Additionally, the application process alone takes several months of work and there is no guarantee of approval or renewal.

There is an EPA program that provides independent educational and technical assistance to communities dealing with environmental problems. The program is TASC – Technical Assistance Service to Communities (TASC). To find out more about this program, see <http://www.epa.gov/superfund/community/tasc/basic.htm>. Here, as with the TAG, it may be too late to use TASC services, as more Torch Lake OUs are being delisted.

A brief explanation of the differences between TAGs and TASC can be found at: http://www.epa.gov/region2/waste/dupont_pompton/pdf/tag_v_tasc.pdf

Both TAGs and TASC services are intended for early on in the Superfund process and may not be advantageous or applicable at the delisting stage.

I'm concerned about people swimming in (and kids drinking the water in) Torch Lake. Is the sand at Torch Lake beach tested for toxics?

Surface water may be tested as part of regular beach monitoring for bacteria. That information can be found at <http://www.deq.state.mi.us/beach/BeachDetail.aspx?BeachID=1475> or by contacting the Western Upper Peninsula Health Department.)

MDCH is preparing two additional public health assessment documents which should be out for public review and comment in the spring of 2013. One of the documents discusses exposures at beaches and the public health implications of those exposures. Contaminated material was removed from the Lake Linden beach in 2007. Information on that activity (an EPA Emergency Removal) at the Lake Linden Village Park can be found at http://www.epaos.org/site/site_profile.aspx?site_id=3346. Contaminated material that was exposed because of dropping lake levels was removed.

How much money did the copper mining industry contribute to these studies?

The public health assessments were conducted by MDCH under a cooperative agreement with the federal Agency for Toxic Substances and Disease Registry (ATSDR). This work is supported by taxpayer dollars.

For further information please contact:

Michigan Department of Environmental Quality Project Manager

Scott Cornelius (corneliuss@michigan.gov or 517-373-7367)

Michigan Department of Environmental Quality Area-of-Concern Coordinator

Sharon Baker (BAKERSL@michigan.gov or 517-335-3310)

**Michigan Department of Environmental Quality Remediation and Redevelopment Division
(Part 201) – Upper Peninsula District Office**

Clif Clark (CLARKC8@michigan.gov or 906-346-8515)

U.S. Environmental Protection Agency Remedial Project Manager

Nabil Fayoumi (Fayoumi.Nabil@epamail.epa.gov or 312-886-6840)

U.S. Environmental Protection Agency Community Involvement Coordinator

Dave Novak (novak.dave@epa.gov or 312-886-7478 or 800-621-8431, ext. 67478)

Houghton County Road Commission (906-482-3600)

Keweenaw County Road Commission (906-337-1610)

Michigan Department of Community Health

Christina Bush (BushC6@michigan.gov or 1-800-648-6942)

Jennifer Gray (grayj@michigan.gov or 1-800-648-6942)