

R E P O R T

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Interview With Lone Tree Council's Michelle Hurd Riddick

Michelle Hurd Riddick is a volunteer with the Lone Tree Council, a Bay City, Michigan environmental organization.



Lone Tree Council is a co-plaintiff with Environment Michigan in NELC's current lawsuit challenging the Army Corps of Engineers' decision to dredge dioxin-contaminated sediments from a long stretch of the Saginaw River, and place them into a new 281-acre disposal site without first preparing an environmental impact statement.

How did you become involved in the issue of dioxin contamination in your community?

I received a phone call in 2001 from an activist with the Michigan Environmental Council. He had been told by someone at the Michigan Department of Environmental Quality that they had found high levels of dioxin contamination in the Tittabawassee River. Once we finally were able to get documentation of this, he asked me if I could help them out "for a while." That was five years ago, and I have been working on the issue ever since.

At the time, I was driven primarily by my tremendous appreciation for the Great Lakes.

National Environmental Law Center Report is the report of the National Environmental Law Center, a nonprofit, nonpartisan research and litigation organization working to stop polluters through legal action and pollution prevention policies.

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Michelle
Hurd Riddick

Some of my best memories of childhood were of family vacations on Lake Huron and trips to the Mackinaw Bridge. When I learned that the Tittabawassee River was contaminated, it only made sense that the dioxins were going down the Tittabawassee, into the Saginaw River, and right out to Saginaw Bay and Lake Huron. Now that I have learned more about the dangers of dioxins, I am also concerned about the impacts on public health.

Where did these dioxins originate?

Nearly all of these dioxins are from the Dow Chemical facility in Midland, primarily from its past production of herbicides. Dow has been discharging dioxins into the Tittabawassee River and emitting them into the air through its incinerator stacks. Considerable dioxin contamination also occurred when the Tittabawassee overflowed its banks during heavy rainstorms, washing dioxins from Dow's property all along the river.

Why did Lone Tree Council decide to sue the Corps of Engineers over its Saginaw River dredging disposal project?

This disposal site is not safe for the dioxin-contaminated sediments the Corps plans to take from the Saginaw River when it performs navigational dredging. The disposal site is in the Saginaw River floodplain and is right next to a state game preserve. Given the obvious problems with the site, we think that the Corps owes it to the public to fully evaluate its environmental impacts. The Corps' "drive-by" environmental assessment is just not good enough. It is little more than a cursory look at the project, and is filled with overly-optimistic assumptions that have not been borne out.

For example, in the comments on the draft environmental assessment, local residents asked the Corps to do a hydrogeological survey to confirm its claims that the facility would not need a liner to prevent groundwater

contamination. The Corps did not do a study until after the site was purchased—and that study found groundwater just a few feet below the surface, as well as numerous breaks in the clay layer that could allow dioxins to reach this groundwater. The project has been under construction for more than six months and the Corps still doesn't have a real plan for how to deal with this problem.

The Corps has also played down the level of dioxins in the sediments. The reality is that they don't really know, and they don't plan to take samples when they dredge. The Corps reported the average contamination level as 109 parts per trillion (ppt) in a 1999 survey of the navigational channel, but the reported level rose to 808 ppt in its 2004 survey. Despite this increase, the Corps did not propose a single change to the design or management of the project. The state allows a maximum of 90 ppt for residential exposure, and that number will probably be reduced after EPA completes its dioxin reassessment (see page 4).

Does Lone Tree Council support navigational dredging?

We have always supported the Corps' navigational dredging. Ships on the river are better for the environment and the community than additional trucks on the road, which use more gasoline and cause wear and tear. However, the dioxin-contaminated sediments from the navigational channel should be treated like any other hazardous waste. They should go to a licensed landfill outside of the floodplain, one that provides wastewater treatment, air and water monitoring, a liner to protect groundwater, and leachwater reclamation. These are Dow's dioxins, so Dow should be paying the cost to properly dispose of them.

It is really shocking to contrast the Corps' plan here with what Dow is required to do to contain dioxin-contaminated sediments at its Midland landfill. Dow has a multi-million

dollar system to contain groundwater on its site.

But if the Corps can just put toxic wastes into an unlined slurry pit in a floodplain without adequate environmental review, why can't Dow—or any other party—do the same thing? Lone Tree Council has been monitoring Dow's planned remediation of dioxin contamination in the Tittabawassee and Saginaw Rivers. What does that project entail?

For the moment, the scope of that project is unclear. In the current phase of the remediation, Dow is supposed to clean up the most contaminated sediments from both rivers above the Saginaw River navigational channel. But Dow will also be responsible for cleaning up floodplain soils—many homes in Midland are contaminated and it's unclear what will be done about it. Also, future phases of the cleanup should involve the rest of the Saginaw River, including the navigational channel.

Where will those contaminated materials be placed?

Unfortunately, the negotiations with Dow are happening under the cloak of a confidentiality agreement so the public has not been told the full truth. Lone Tree Council recently received a number of documents through a Freedom of Information Act request to EPA, and they confirm that Dow has an interest in using the new Corps facility as a disposal site.

Recently, Dow admitted its interest publicly, and even acknowledged having provided several hundred thousand dollars to the project. Saginaw County, which is the local sponsor of the Corps' project, denies that Dow will use the facility.

But, as far as we know, the Corps' dump is the only option currently on the table for Dow. This is a serious concern, because the facility was not designed for highly-contaminated wastes.

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