

Public Comment

The Bay Mills Indian Community will be submitting a grant application to the Environmental Protection Agency (EPA). Comment on the FY24 Federal Brownfields Grant application is open until November 9, 2023. The tribe proposes using the funds for cleaning up environmental contamination at the former Public Works/Construction Department Silver Dome site including demolition and removal of the buildings at the site.

The grant application requirements involve community notification. This allows the community an opportunity to view and comment on the application documents including a draft Analysis of Brownfield Cleanup Alternatives (ABCA) which summarizes the site and contamination issues, cleanup alternatives considered and proposed cleanup.

Funding is available up to \$500,000, with no cost match required.

To submit comments regarding this project, please send them to Jen Satchell, jmsatchell@baymills.org by 4 p.m. on November 9, 2023. The draft application materials are available on the BMIC website and at the Tribal Administration building at 12140 W. Lakeshore Drive, Brimley, MI 49715. A public meeting to discuss the application and to submit and hear public comments will be held at the Tribal Administration Office Conference Room on November 7 from 12 pm – 1 pm, which is located at 12140 W. Lakeshore Drive, Brimley, MI 49715.

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), as amended by the Brownfields Utilization, Investment, and Local Development (BUILD) Act (P.L. 115-141), requires the U.S. Environmental Protection Agency (EPA) to publish guidance for grants to assess and clean up brownfield sites. EPA's Brownfields Program provides funds to empower states, communities, tribes, and nonprofit organizations to prevent, inventory, assess, clean up, and reuse brownfield sites.

Analysis of Brownfields Cumulative Alternatives (ABCAs) **Draft Analysis of Brownfields Cleanup Alternatives**

Analysis of Brownfields Cleanup Alternatives – Preliminary Evaluation

For

Bay Mills Silver Dome/Old BMIC Public Works Site- Bay Mills Indian Community, MI

Tribal Contact: Jennifer Satchell, Environmental Coordinator, (906) 248-8655

I. Introduction & Background

a. Site Locations

The Silver Dome/Old BMIC Public Works site is located at 12069 Lakeshore Drive Brimley, MI 49715, coordinates: 46 26 56.23N, 84 36 00.12W. This site is on Tribal reservation lands.

b. Previous Site Use(s) and any previous cleanup/remediation

The site was occupied by the BMIC Public Works Department from approximately 1998 to 2019. BMIC Maintenance utilized a portion of the site during this time frame as well. The site is not secured and allows for unimpeded access by the general public. The site is currently used by Public Works and Maintenance departments for equipment and construction type materials storage purposes only.

In July 2019 a spill was discovered and reported at the Silver Dome after recent rains caused oil

and other materials to overflow a containment pad and leak onto the soil—visibly impacting approximately 400sqft. Cleanup/remediation steps were taken based on recommendations from the EPA and Mackinac Environmental Technology. Site assessment findings included:

- Recovered Containment Liquids: homogenized liquids contained elevated levels of tetrachloroethylene. Proper disposal as a hazardous waste occurred.
- Secondary Containment Tanks: existing uncoated concrete tanks were in prolonged direct contact with petroleum products. Although the concrete was not analyzed, it was assumed the concrete tanks were contaminated and were removed and properly disposed offsite.
- Soils: visible staining existed in the areas immediately surrounding the concrete containment structures. Sampling did not encounter contamination above Part 201 GRCC criteria. Removal of the visibly impacted soil provided aesthetic relief and removed the possibility of any future leaching of potential contaminants.
- Groundwater: one monitor well (of 5 installed wells) had sample results with one compound slightly above Part 201 GSI criteria.
- Groundwater sampling continued through the summer of 2022 showing contaminant levels were attenuating.

c. Site Assessment Findings

- During the winter of 2023, per MI EGLE recommendation, soil vapor sampling was conducted at the site. This resulted in samples showing results which exceeded indoor air criteria for chlorinated solvents including tetrachloroethylene (TCE). This source is not presumed to be connected to the prior spill in 2019 and is located under the slab of the structure floor.

d. Project Goal

The overall purpose of a cleanup at this site is to allow the property to be redeveloped while mitigating risks posed to human health and the environment. The cleanup goals for this site are listed below.

- Demolish and/or remove the structures in the area of contamination to allow access to the impacted soil for removal, remediation and sampling activities. This will also eliminate the health concern posed by the public and staff who may enter the building.
- Excavate and properly dispose of the impacted soil and concrete
- Remove and dispose of homogenized liquids deemed “hazardous”
- Backfill the site with clean fill
- Conduct cleanup operations that are compliant with applicable tribal, state, and federal standards and will protect human health and the environment
 - Resample soil and groundwater in impacted area to confirm standards are met

II. Applicable Regulations and Cleanup Standards

a. Cleanup Oversight Responsibility

The cleanups will be overseen by the Tribal Brownfields Program and Environmental Program, in coordination with U.S. EPA Region 5. Certified contractors will be hired to conduct the cleanup.

b. Cleanup Standards for major contaminants

These standards will follow rules and regulations during the cleanup tasks and activities: § Michigan EGLE Cleanup Criteria Requirements for Response Activity (formerly the Part 201 Generic Cleanup Criteria.)

c. Laws & Regulations Applicable to the Cleanup (briefly summarize any

federal, tribal, state, and local laws and regulations that apply to the cleanup)

Laws and regulations that are applicable to this cleanup include the Federal Small Business Liability Relief and Brownfields Revitalization Act; State of Michigan Cleanup Criteria Requirements for Response Activity; Tribal laws. The cleanup contractor will be required to follow OSHA and EPA regulations and notifications. Federal, State and Tribal laws regarding procurement of contractors to conduct the cleanup will be followed. In addition, all appropriate permits (e.g., notify before you dig, soil transport/disposal manifests) will be obtained prior to the work commencing.

III. Evaluation of Cleanup Alternatives

Each of the potential cleanup alternatives is evaluated against the following set of four criteria:

1) Compliance

§ Compliance with applicable tribal, state and federal regulations.

2) Effectiveness

§ Protectiveness of human health and the environment, including workers during implementation;

§ Reliability for mitigation of risk in the short-term and long-term effectiveness;

§ Reduction of toxicity, mobility, and/or volume of contaminants;

§ Ability to achieve the cleanup goals; and

§ Resiliency to climate change conditions (including extreme weather conditions such as flooding).

3) Implementability

§ Technical feasibility;

§ Availability of required services, materials, and equipment;

§ Administrative feasibility;

§ Construction feasibility; and

§ Maintenance and monitoring requirements.

4) Cost (Conceptual costs for comparative analysis only)

§ Amount time, effort, materials, and labor necessary.

The selection of “effectiveness”, “implementability”, and “cost” as evaluation criteria is based upon the EPA’s Guidance for Conducting Remedial Investigations and Feasibility Studies Under CERCLA (EPA, 1988). In addition, the selection of “compliance” as an evaluation criterion is used to take into account variations between federal, state, and/or local regulations, if applicable, on a site-by-site basis.

IV. Cleanup Alternatives

a. Cleanup Alternatives Considered (minimum two different alternatives plus No Action)

To address contamination, three different alternatives were considered, including:

- Alternative #1: No action
- Alternative #2: Building demolition/removal, excavation, removal, and disposal of impacted soil, concrete, and homogenized liquids
- Alternative #3: Continue to monitor site with possible future action or no action

Alternative #1: No Action

Advantages

- No Cost

Disadvantages

- All contamination will still exist.

- Health, environmental, and safety hazards remain
- An eyesore will remain.
- The needs of the community will not be met since the sites cannot be reused with the status quo situation.
- Not compliant with Federal, Tribal and State regulations
- No immediate costs, but potential high costs in future due to unlimited liability and deteriorating conditions.
- The “No Action” alternative is technically ineffective

Alternative #2: Excavation, removal, and disposal of impacted soil, concrete, and homogenized liquids

Advantages

- Demolish and remove buildings in affected area
- Excavate and properly dispose of the impacted soil and concrete
- Remove and dispose of homogenized liquids deemed “hazardous”
- Backfill site with clean fill
- Conduct cleanup operations that are compliant with applicable tribal, state, and federal standards
- Removal of some contamination will reduce safety, health and environmental risks.
- This will allow for reuse/redevelopment of these sites.

Disadvantages

- Alternative would incur a moderate amount of time, effort, labor, and material costs to complete the excavation, removal, and disposal of the impacted soil, concrete, and homogenized liquids.
- Estimated total cost is up to \$500,000

Alternative #3: Continue to monitor site with possible future action or no action

Advantages

- Continue to conduct liquid and soil characterization samples to monitor contamination

Disadvantages

- All contamination will still exist.
- Health, environmental, and safety hazards remain
- An eyesore will remain.
- The needs of the community will not be met since the site cannot be reused with the status quo situation.
- Not compliant with Federal, Tribal and State regulations
- Costs associated with continued monitoring and sampling

b. Cost Estimate of Cleanup Alternatives (summary of the compliance, effectiveness, implementability and a preliminary cost estimate for each alternative)

To satisfy EPA compliance, requirements, the effectiveness, implementability, and cost of each alternative

must be considered prior to selecting a recommended cleanup alternative.

Summary Comparison of Potential Alternatives

Cleanup Alternative	Compliance	Effectiveness	Implementability	Cost	Comment
Alternative #1: No Action	Compliant	Not effective	Implementable	Low (3 rd)	This alternative does not satisfy the cleanup goals or allow for redevelopment of the site
Alternative #2: Excavation, removal, and disposal of impacted soil, concrete, and homogenized liquids	Compliant	Effective	Implementable	High (1 st)	This alternative satisfies the cleanup goals and allows for redevelopment of the sites.
Alternative #3: Continue to monitor site with possible future action or no action	Compliant	Not effective	Implementable	Moderate (2 nd)	This alternative does not satisfy the cleanup goals or allow for redevelopment of the site in a timely manner.

c. Recommended Cleanup Alternative

Of the three cleanup alternatives evaluated for selection at the Silver Dome/Old BMIC Public Works site, located at 12069 Lakeshore Drive Brimley, MI 49715, coordinates: 46 26 56.23N, 84 36 00.12W, the preferred alternative recommended is: Alternative 2: Building demolition/removal, excavation, removal, and disposal of impacted soil, concrete, and homogenized liquids. This alternative was selected based upon overall compliance with state and/or federal regulations, effectiveness in protecting human health and the environment in both the short-term and long-term, feasibility of implementation, and cost effectiveness.