

# ENVIRONMENTAL CONCERNS COMMITTEE

November 18, 2015 **DRAFT** MEETING MINUTES

**MEMBERS PRESENT:** Margy Belchak, Matt Fletcher, Lauri Holmes, James Jeakle, Paul Manstrom, James Timmons, Todd Ide and Chris Wahmhoff

**EXCUSED ABSENCE:** Olga Button and David Anderson, City Commission Liaison

**STAFF:** Sue Foune, City Staff Liaison

**OTHERS:** Mick Warner, Ann Lerums and Chris Young – BioPath Solutions

**APPROVAL of the October 21, 2015 MEETING MINUTES:** It was moved and seconded to approve the October meeting minutes. The motion passed unanimously.

**APPROVAL OF AGENDA:** It was moved and seconded to approve the meeting agenda. The motion passed unanimously.

**ANNOUNCEMENTS:**

- New Chair and Vice-Chair need to be selected by the end of 2015.
- EPA Allied Site meeting at Washington Writers Academy, November 19, 2015.

**NON-AGENDA COMMENTS BY OTHERS:** None

**OLD BUSINESS:** None

**NEW BUSINESS**

**Mick Warner- BioPath President- Bioremediation:**

Mr. Warner indicated that his company would like to purchase the property, utilize his technology to treat the PCB's (polychlorinated biphenyls) and conduct the corresponding field work with his team. He also indicated that they have a St. Louis Commercial Liability Inc working on what it would take to transfer the environmental liability of the site from the trust company.

Mr. Warner indicated that the Allied site is currently a Public led Superfund site but that he is interested in moving it to a privately led site. Mr. Warner indicated that he would work with a local company Catskill Contracting Services located in Otsego to cap the site for less, as they can cap it in less time compared to EPA's two year and do it within the budget. He indicated that EPA would be consolidating and capping it at a cost of 63 million. He could do the biopath treatment for 48 million with 15 million left for operations/maintenance if the technology does not work on the site and consolidate and cap it; compared to the proposed 5 million o/m amount from EPA which is not enough to do o/m. He also indicated that they could achieve the EPA's end date.

Mr. Warner indicated that the Trust might sell the property if investors provide the 48 million. He indicated to get complete cleanup of the site they need the Remedy of Decision (ROD) to be issued. He also stated that they need a fall back plan if the technology does not work on the site therefore Catskill Contracting out of Otsego would consolidate and cap the site. He indicated that Jim Miller owner of Catskill Contracting will be at the EPA meeting on November 19<sup>th</sup> to discuss Plan B.

Mr. Warner indicated that Plan A would consist of the Biopath remediation process, a ten year old technology used on 40 sites, 33 sites were PCB sites. He indicated that they use proteins to restore the enzyme production in the existing bacteria that currently exist on site. He indicated that the PCB impacted material from the river would be used to do the pilot as he needed EPA's help to get site samples. He indicated the he was more than willing to do the pilot studies and that there was a required EPA process to get site samples in which they would be willing to do. He also stated that EPA will only support their method if they use samples from the site.

***ECC Committee member indicated that they needed to reach out to EPA and that they needed to follow the EPA's proposal submittal process to obtain the samples to do the pilot testing.***

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Mr. Warner indicated that the pilot would take three months and that the ROD would be issued before the pilot. He indicated that his investor will not proceed until he can confirm they can treat the PCB's on site. He indicated that the developer was only interested in the Allied portion of the site if it is cleaned up and that it was premature to discuss the sites end use.

Mr. Warner indicated that the clean property could also be turned over to City. He indicated that the developer was out of New York and was part owner of Biopath. The developer would need to clear one-two million at end when clean it was clean to consider investing in the site.

***ECC Committee member indicated that they needed to make sure that the PCB's were out of the site and that 18 acres verse 50 was significantly different to the City.***

Mr. Warner indicated that 15 million would stay in reserve for o/m if only half of the site was cleaned up for development. He noted that he would prove that it works on the material at the site and that if it can't be cleaned to the required level than the 15 million would be available for o/m or he will remove the remaining portion from the site and the 15 million will be released per his prediction and they will walk away from the clean property.

Mr. Warner indicated that the 5 million doesn't exist and indicated that it would be depleted as EPA only ran out o/m numbers for 30 years. He indicated that he needed a letter of support for the Public comment meeting and that he needed community and State support per an ex-EPA employee that is helping them though the process.

Mr. Warner indicated again if the technology did not work than the O/M of the site would be provided by a consultant and would need to be bid out. He indicated that Catskill Contracting also provides O/M services for landfills. Biopath would obtain 33 million of the 48 million to do the work and would have 15 million left over for o/m of the site.

### **Chris Young - BioPath - Technology developer:**

Mr. Young began development of the technology in 1998. He indicated that PCB's were just one of the highly chlorinated compounds and that DDT was another chlorinated compound. He indicated that bacteria at PCB sites don't florescence like other bacteria and that the chlorine shuts down the enzyme production of the bacteria, preventing secretion of enzymes needed to break down PCB's. He indicated that they were able to identify the genes and then the protein that was inhibited by the chlorinated compounds. That they have been able to put back the protein that the bacteria needed to secrete the enzymes that were necessary to break down the PCB's into chlorine salts carbon dioxide and water (inert substances).

Mr. Young indicated that the PCB's bonds to material and the bacteria need a place to grow and therefore they can use the pulp as organic material to help the bacteria to decompose the PCB's. He stated this is a more complete solution, that they have successfully used it at a California site with 157ppm PCB's where they reduce the PCB concentration down to 25 ppm. He indicated that he has a background in organic chemistry from Central University and grew up around Midland. He stated that if the product works on the bench scale test then it will work in the field.

***ECC committee member asked how deep they could use the process in a landfill.***

Mr. Warner indicated that they would use composting machines to turn the material over 8 feet high by 20 feet in length, once a week and that they needed to keep it wet to turn and add nitrogen to it so that the material could decompose. He stated that the nitrogen could come from sludge or fertilizer. It would take two to three years as they have to stop during the winter as the bacteria will not perform when it is freezing. He indicated that they could work 12 hours or more a day with the use of lights and that the composting machines used to turn over the material do not make much noise. He indicated that they need enough room to keep the equipment working and that there would not be any runoff of the water they need for the process.

Mr. Young stated that this was an aerobic process, composting in its true sense, reliable and predictable.

***ECC committee member stated that Biopath does not have any independent studies on large scale sites that this site has 1.6 million cubic yards of PCB contaminated material and that he was concerned that they have not worked with EPA on this site.***

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Mr. Young indicated that they worked with EPA on the 15 acre California site with a few thousand cubic yards of solid with 157 ppm PCB's and with Region 4 in Athens, Georgia's Hercules site which contained 10 ppm PCB's. He indicated that they would bring organic protein to the site for the bacteria and that the process is all about the enzymes. He also mentioned that they have all their analytical work completed by independent labs and that they had a WET test completed that showed no toxicity when they ran water through treated soil. (Later indicated that he wasn't positive it was soil from a PCB site it may have been from another site with a different contaminant. Ann committed to sending the WET test results)

Mr. Warner restated that his company needs the ROD 2D-cap and consolidated remedy to proceed. He also stated they were approached by Lyondell in the past but Lyondell went another direction. Warner is looking for people to sign a letter of support, for a Public lead to Private lead site. The board indicated they would vote at the next meeting concerning making a recommendation to the Commission.

**SUBCOMMITTEE REPORTS:**

- ***Kalamazoo River*** – Neighborhood canvassing regarding the Allied Site
- ***Kalamazoo Environmental Council*** – no meeting
- ***Portage Environmental Board*** – no report
- ***City of Kalamazoo Planning Commission*** – a status report in the City's Master Plan was provided; the Planning Commission would like to vote on it by May, 2016; an update on the outdoor lighting ordinance was provided; some pushback on the draft ordinance language from K-College.; Planning Commission discussed a proposed brew pub to be located at Alcott and Burdick.
- ***Tree Committee*** – no meeting.
- ***Asylum Lake Policy & Management Council***– Council has decided that the proposal for the trail improvements is too expensive; a subcommittee will look at alternatives for implementation and funding; the sign installation has been assigned to a subcommittee; use of a portable toilet on the site was also discussed
- ***Parks & Recreation Advisory Board*** – among topics discussed – process by which people/organizations submit a use request; ways of generating interest in using other parks besides Bronson Park which receives the greatest number of use requests; Crane Park mowing incident and general inconsistency in contracted lawn care.

**ADJOURNMENT:** The meeting adjourned at 6:30 pm.

Transcribed and respectfully submitted,



ESD Administrative Accounts Coordinator  
Environmental Services Division, Department of Public Services