

EPA FORMAL HEARING

IN RE:)
)
)
Michindoh Sole-Source)
Aquifer Petition)
)
)

DATE: January 13, 2010

TIME: 7:59 p.m.

PLACE: New Era Auditorium
520 West Mulberry Street
Bryan, Ohio

Before Angela A. O'Neill
Registered Professional Reporter

SUMMIT CITY REPORTING, INC.
Certified Stenographic Court Reporters
127 West Wayne Street, Suite 400
Fort Wayne, Indiana 46802
(260) 486-3954

1 APPEARANCES:

2

William Spaulding

3

Mony Chabria

Jennifer Ostermeier

4

Andrea Porter

U.S. Environmental Protection Agency - Region 5

5

Ground Water and Drinking Water Branch

77 West Jackson Boulevard

6

Chicago, Illinois 60604-3590

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

	PUBLIC COMMENTS		
1			
2			
3	Doug Johnson	Page	10
4	Darlene Burkhardt	Page	10
5	Alan Word	Page	11
6	Dean Genter	Page	12
7	Mary Ann Thomas	Page	14
8	Fred Slicker	Page	16
9	Bob Short	Page	18
10	Mark Ballmer	Page	19
11	Glen Frobels	Page	20
12	Bill Harvey	Page	23
13	David Newcomer	Page	25
14	Jay Williams	Page	27
15	Julie Weatherington-Rice	Page	29
16	Brandi Whetstone	Page	31
17	Stewart Rosendaul	Page	33
18	Sherry Fleming	Page	34
19	Kerry Vollmer-Sanders	Page	35
20	Roy Norman	Page	38
21	Roger Pitts	Page	40
22	Cinda Walton	Page	41
23	Ray Strup	Page	41
24	Lynn Henning	Page	43
25	Jenny Halloin	Page	44

1	David Blesing	Page 47
2	Roger Strup	Page 47
3	Debra Schmucker	Page 48
4	Sandy Bihm	Page 50
5	Sara Fronczak	Page 51
6	Paul Duggan	Page 53
7	Ken Lautzenheiser	Page 55
8	Kevin Bever	Page 58
9	Cindy Boje	Page 58
10	Chris Gale	Page 59
11	Janet Kauffman	Page 61
12	Ken Kurtz	Page 63
13	Lou Pendleton	Page 65
14	Doug Stewart	Page 67
15	Bob Koerner	Page 69
16		
17		
18	CERTIFICATE OF REPORTER	Page 72
19		
20		
21		
22		
23		
24		
25		

1 MS. OSTERMEIER: We're going to start the hearing.
2 Opening the hearing this evening will be Mony. I thank you
3 very much for coming this evening.

4 MR. CHABRIA: This is a hearing on EPA's plan to
5 approve an application for the City of -- from the
6 City of Bryan, Ohio to designate the Michindoh Aquifer as a
7 sole-source aquifer.

8 At this time, I would like to ask everyone, if you
9 haven't done so already, to silence your telephones and
10 pagers.

11 My name is Mony Chabria. I'm a Deputy Branch Chief in
12 the Water Division at EPA Region 5. I'll be presiding over
13 this hearing tonight. And joining me from EPA are
14 Bill Spaulding, Jennifer Ostermeier and Andrea Porter.
15 They're all from the Water Division at EPA. They'll review
16 the application and is responsible for evaluating it, as
17 well as collecting the comments that we're getting tonight.
18 Jennifer and Andrea are here to help with facilitating the
19 hearing. We have arranged for a court reporter to record
20 all the comments made during the hearing.

21 The hearing this evening will work like this: As you
22 came into the room this evening, you were asked to sign in
23 at the sign-in table. You were also asked if you were
24 interested in making a public comment, to check a box on
25 the form. If you indicated that you were -- you were --

1 intend to a make a public comment, Jennifer will be calling
2 your name to come up to one of the two microphones in the
3 front here to begin your public comment. When you get to
4 the microphone, we ask that you state and spell your name
5 for the court reporter, and then begin your public comment.
6 The court reporter will be taking down your comments, so
7 please speak clearly, and note that only spoken words, and
8 not gestures, will be recorded.

9 If you miss the sign-in table for you to sign, as the
10 hearing -- as the hearing goes on, that you wish to make a
11 comment, please make your way back to Andrea at the tables
12 in the lobby, so that we know you want a chance to make a
13 comment.

14 We hope to keep the comments coming in in an orderly
15 fashion, so that the court reporter has an easy time taking
16 them down, and we have a clear record. We appreciate your
17 cooperation on this.

18 Jennifer is also here tonight to help us stay on time.
19 She will be closely monitoring the time. Try to keep your
20 comments to a two to three-minute time frame. At about two
21 minutes, Jennifer will signal you that you are reaching
22 your time limit, like this. (Indicating.) At -- at three
23 minutes, you'll be asked to wrap up your comments. I want
24 to make sure that everyone who wishes to -- to make a
25 comment on the record gets the opportunity to do so. If

1 you haven't gotten your name to Jennifer, as I said, please
2 -- please make sure you fill out the form in the back
3 table.

4 After the hearing, we will be receiving a transcript
5 from the court reporter. We will then place the transcript
6 on our website. If you decide after tonight that you want
7 to make a comment, or add to your comment, or change your
8 comment, we are, again, accepting written comments until
9 January 29th.

10 You should know that we will give equal importance to
11 verbal comments made tonight and any written comments
12 submitted during the comment period.

13 We are pleased to have this opportunity to listen to
14 your comments on the City of Bryan, Ohio's application.
15 The EPA began the public comment period on the application
16 in September 2009, and has since extended the comment
17 period to -- to January 29th.

18 You may also write out comments and mail them, or
19 email them, to EPA, or actually write them tonight, and
20 hand them to any one of the EPA representatives here.

21 EPA will review and respond to all the comments
22 received during the comment period, and prepare a written
23 response of this summary, which will also be posted on
24 EPA's website, EPA Region 5's website. The amount of time
25 that it will take to prepare the response to this summary

1 is -- is going to depend on the nature and number of
2 comments we receive. But once we have that in place, we
3 will be making a decision to either grant the application,
4 or seek additional information, or deny the application.

5 If we -- if we make a decision to approve the
6 application, we will publish the decision in the federal
7 register and post the decision on our website.

8 This hearing is designed to allow you to make comments
9 for EPA to consider. We will not be responding to
10 questions or comments during the hearing portion of
11 tonight's program. The hearing is scheduled to end at
12 9:30. As I said, Jennifer will help us to keep on track.

13 Before we begin, I wanted to give you a little bit of
14 background on the matter, for those who are just coming in
15 for the hearing portion, that we had an informational
16 session earlier, but I'll give you a brief description.

17 In October 2007, the City of Bryan, Ohio submitted an
18 application to designate the -- the Michindoh Aquifer as a
19 sole-source aquifer. Such designation would mean that the
20 aquifer is the primary source of drinking water for people
21 in a nine county area, that include parts of three states.
22 The region includes all of Ohio's Williams County, and
23 parts of Defiance and Fulton Counties in Ohio; Allen,
24 DeKalb and Steuben Counties in Indiana; and Hillsdale,
25 Lenawee and Branch Counties in Michigan.

1 The Safe Drinking Water Act gives EPA the authority
2 to designate an aquifer as a sole source of drinking water
3 for a specified area. Once an area has this designation,
4 EPA is obligated to review all federally-funded projects in
5 the area in order to determine their potential for
6 contaminating the aquifer, as a sole-source aquifer
7 supplies at least 50 percent of the drinking water consumed
8 in the area overlying the aquifer.

9 Now I'll turn it over to Jennifer to start calling
10 names and -- and inviting people to come up to the
11 microphone. Thank you.

12 MS. OSTERMEIER: Hello. Again, I'm
13 Jennifer Ostermeier. Thank you all for coming this
14 evening.

15 I'm going to be calling everybody's names one by one,
16 or actually maybe two by two. I'd like for the first
17 person that I call their name, to come to this microphone.
18 At the same time, the second person, come to this
19 microphone, so that we can -- we don't lose very much time
20 between people. If I call your name, and you're longer
21 interested in making a comment, just signal -- signal to
22 me, if you don't want to.

23 The first is going to be Paul Brandy, and -- it looks
24 like County Commissioner Paul Brandy.

25 MR. BRANDY: I said no.

1 MS. OSTERMEIER: Oh, he doesn't want to.
2 Doug Johnson, and Darlene Burkhardt will be following him.
3 Thank you.

4 MR. JOHNSON: I am the Mayor of the City of Bryan,
5 and we are trying to do the best --

6 MS. OSTERMEIER: Spell your name.

7 MR. JOHNSON: D-O-U-G, J-O-H-N-S-O-N.
8 Mayor of the City of Bryan. We are trying to do the
9 best to protect the drinking water for our city, and not
10 get into a situation where we lose our drinking water and
11 have the taxpayer's expense of getting water someplace
12 else. We don't have a very cold source to get that water.
13 Thank you.

14 MS. BURKHARDT: I'm Darlene Burkhardt,
15 B-U-R-K-H-A-R-D-T, and I am the Mayor of the Village of
16 Eden. And I am here to speak in support of the sole-source
17 aquifer. We are a very small village of 900 people, and we
18 have had a lot of federally-funded projects, as far as
19 wastewater and water the past two years since I have been
20 mayor. If something would happen that we would have no
21 water, I don't know what myself and the 900 residents of
22 our village would do. So again, I am -- I myself am in
23 support of the aquifer. Thank you.

24 MS. OSTERMEIER: Alan Word, I believe it is, County
25 Commissioner, followed by Dean Genter. Again, I apologize

1 if I'm butchering your name. It's not intentional.

2 MR. WORD: Alan Word, last name spelled W-O-R-D,
3 Williams County Commissioner, and I am speaking as
4 County Commissioner.

5 First off, I want to thank everybody. This is an
6 emotional thing. There is a lot of concern and rightly so.
7 You know, for the people and -- and the government,
8 sometimes, you know, government is good, government
9 sometimes is not good. But nonetheless, you know, there is
10 a grave concern. I don't think there is a person in here
11 that doesn't agree that we have to have adequate water and
12 safe drinking water. Period. I don't think there is -- as
13 one gentleman said, there is not a one person that wants
14 contaminated water. So thank you for the oversight and the
15 things you do.

16 Secondly, as a commissioner, as a public servant, what
17 we look at is safety and security for our community and our
18 constituents, as well we're responsible not only for that
19 safety, but trying to see that our community is capable of
20 sustaining a livelihood. And these two appear, at this
21 time, to be maybe butting heads. And what we're looking
22 for, and I think we all feel this way, is an equitable
23 solution. We don't want too much government. We don't
24 want our economy to be hurt any more than it's already
25 been. It's been pretty dramatic for us, being one of the

1 top counties in the United States for unemployment, and
2 existing very high even at this time. So even though the
3 environment is very important to us, so is the security of
4 our economy, and -- and the people that live in our
5 communities, all of our communities. Thank you.

6 MR. GENTER: My name is Dean Genter, Fulton County
7 Commissioner, along with Joe Short, County Commissioner,
8 Mr. Paul Barnaby, County Commissioner for Fulton County as
9 well. We're just going to read a statement here. We've
10 already submitted a written statement as well, signed by
11 the county commissioners.

12 The Board of Fulton County Commissioners' duties are
13 to preserve and promote public health and welfare of the
14 citizens of Fulton County. Further, the Board continuously
15 provides for the protection of local, state and federal
16 natural resources and environment. In addition, the public
17 drinking water sources within the area of concern,
18 specifically within the state of Ohio, have been and will
19 continue to -- will continue to be monitored by the
20 Ohio EPA, as authorized under the 1996 amendment to the
21 Safe Drinking Water Act, in providing protective strategies
22 -- in providing protective strategies and measures to
23 prevent public drinking water sources contamination.

24 We believe the protection of the public drinking
25 water sources, within this area, from current and future

1 potential contaminations have been adequately assessed and
2 addressed through local and state government agencies'
3 rules and regulations, and further involvement from other
4 entities would be considered an unnecessary redundancy and
5 wasteful of resources and efforts.

6 We, Fulton County, strongly oppose the proposed
7 Michindoh Aquifer, sole-source aquifer designation, as
8 being based on a sole-jurisdiction decision-making
9 determination, which will hinder the ability of local
10 governments to apply -- to applying, receive and utilize
11 federal fundings for various projects. Jeopardizes
12 industrial business base within our subject area, and
13 further, this designation, as petitioned, will negatively
14 impact the future outlook of agricultural practices and
15 activities in this area, since a large percentage of the
16 land being used for agricultural purposes for many
17 generations. So we have a lot of concerns there, which
18 refer to economic development and agricultural production.
19 Thank you.

20 MS. OSTERMEIER: Thank you. Next will be Mary
21 Thomas, followed by Fred Slicker.

22 MS. THOMAS: I'm Mary Ann Thomas, M-A-R-Y, capital
23 A-N-N, T-H-O-M-A-S.

24 MS. OSTERMEIER: Make sure you speak into the
25 microphone.

1 MS. THOMAS: Okay.

2 MS. OSTERMEIER: Thank you.

3 MS. THOMAS: My name is Mary Ann Thomas, and I am a
4 hydrologist who has investigated groundwater --
5 groundwater quality in the Michindoh area, and I'd like to
6 show some information that might be relevant to this
7 sole-source aquifer designation discussion.

8 I work for the U.S. Geological Survey Water Science
9 Center in Columbus, Ohio. I've worked there for 17 years.
10 The USGS collects and analyzes data on groundwater and
11 rivers, and our goal is to provide unbiased information to
12 those who manage or regulate water resources.

13 From 1995 to 2000, I worked with a team of
14 hydrologists on a large project to characterize the water
15 quality of the Lake Erie Basin. And the Lake Erie Basin is
16 a very large area that includes part of five states. It
17 includes all the watersheds of the rivers that ultimately
18 drain into Lake Erie, so the -- the St. Joe, Tiffin, Maumee
19 River -- River Basin are all -- we're in the western part
20 of the Lake Erie Basin. So there are three points I'd like
21 to make based on the studies that -- that we have done.

22 One is for the -- of the entire Lake Erie Basin, we
23 selected the Michindoh area as the location of our
24 groundwater work, because we recognize that this is an area
25 where the majority of the water use is from groundwater,

1 and that the only source of groundwater is
2 Michindoh Glacial Aquifer.

3 The second point I wanted to make is that we
4 documented that the Michindoh Glacial Aquifer is vulnerable
5 to contamination from -- from human activities. We've
6 drilled 30 wells throughout the area, examined cores of the
7 aquifer material, and we recognized that the aquifer is not
8 protected by a thick layer of clay. There are widespread
9 networks of vertical fractures and sand lenses throughout
10 the aquifer that -- that concern is pathways for
11 contaminate migration from land surface to the aquifer.

12 So based on -- we also sampled water, water samples
13 from those wells, and found evidence of human activities in
14 more than a third of the wells, in the form of nitrate or
15 pesticides, or pesticide degradates, or volatile organic
16 compounds. The concentrations didn't exceed the drinking
17 water standards, but -- but based on the chemistry of the
18 water and the physical characteristics of the aquifer
19 material, we recognized that the Michindoh Aquifer is
20 vulnerable to contamination, and that in some areas, low
21 concentrations of contaminants are already present in the
22 aquifer.

23 The third and final point is that we found a striking
24 contrast between the quality of groundwater and the quality
25 of river water in the Lake Erie Basin. When we compared

1 the Michindoh Aquifer to other aquifers in other
2 agricultural areas throughout the country, the
3 Michindoh Aquifer ranked relatively high in terms of water
4 quality. In contrast, the rivers of the Western Lake Erie
5 Basin ranked relatively low in terms of water quality. And
6 greatest -- I'm almost done.

7 MS. OSTERMEIER: Okay.

8 MS. THOMAS: Greatest concern were concentrations of
9 pesticides, pesticide degradates, nitrate or phosphorous.
10 So as an example, over a two-year period, where more than
11 300 samples were collected from ten rivers, including the
12 St. Joe, every single one of those 300 samples had a
13 pesticide, at least one pesticide.

14 MS. OSTERMEIER: Thank you, Mary. If you want to
15 submit the rest of your comment in writing, that's fine.
16 To be fair to everyone here, we really need to limit the
17 comments to three minutes.

18 MS. THOMAS: Okay.

19 MS. OSTERMEIER: If at the end we end up having
20 additional time, you're welcome to come back up to the
21 court reporter and give additional information. I just
22 need to be fair for everyone. That's my job.

23 Let's see. Rick Homeier. Oh. I'm trying to be fair
24 to you too. Sorry.

25 MR. SLICKER: Fred Slicker. All farmers and farm

1 organizations are interested in maintaining a safe aquifer.
2 We have a concern that a federal designation is not needed,
3 nor will it have any practical benefit in sustaining our
4 aquifer. It is not endangered. There is no reason for
5 suspecting that this status would deteriorate within the
6 current practices. The practices we have today far exceed
7 the standards we had placed 150 years ago.

8 The sole-source aquifer designation process requires
9 no analytical evidence of probability that a potential loss
10 for drinking water is even a remote possibility. The
11 aquifer is not fragile, nor is it likely to lose its
12 natural protection mechanism.

13 For almost 200 years, agriculture and industry using
14 this water is evidence how safely it is protected. A
15 sole-source designation will not provide any transparent
16 procedure in water management that will better ensure a
17 safer aquifer than we have now.

18 The Ohio EPA has the responsibility of enforcing
19 federal EPA standards. So what new standards do we need,
20 or what will be imposed? What provisions do we have in
21 place to reverse the aquifer designation, if we find out
22 later that it was a mistake?

23 The greatest threat would be if the requirements are
24 arbitrarily assigned beyond the current limits of federal
25 or state standards. If you exceed established standards,

1 the designation will create a lingering obstacle to
2 economic development in this country, by posing a threat of
3 unlimited standards for which nobody can prepare.
4 Undisclosed standards for project reviews will make future
5 business planning very uncertain.

6 The unnecessary federal oversight on future projects
7 will increase the cost and implementation for competitive
8 enterprises that does not demonstrate any increased
9 benefits to the aquifer. We do not designate the aquifer
10 as a sole-source aquifer --

11 MS. OSTERMEIER: Keep going. You have one more
12 minute.

13 MR. SLICKER: Williams County Farm Bureau. Thank
14 you.

15 MS. OSTERMEIER: My timing is impeccable. Next is
16 Rick Homeier.

17 MR. HOMEIER: I didn't ask for it.

18 MS. OSTERMEIER: Okay. Mark Kelly.

19 MR. KELLY: No.

20 MS. OSTERMEIER: I've got Bob Short, followed by
21 Mark Ballmer.

22 MR. SHORT: I'm Bob Short, S-H-O-R-T. I'm a
23 supervisor with Williams Soil and Water District in
24 Williams County. And Williams Soil and Water District
25 works extensively with farmers in our district to maintain

1 conservation practices to help ensure the viability of
2 clean water in our lakes, rivers and streams. My concern,
3 I guess, personally is if the sole-source aquifer is
4 passed, where the governing would come, if the EPA in
5 Chicago is going to be responsible for our drinking water
6 in Williams County? The Soil and Water District partners
7 with many federal agencies, including the
8 Environmental Protection Agency, and I think that we have
9 policies and programs in place on the local and state level
10 that adequately monitor the protection of our streams,
11 lakes and -- and drinking water at this time.

12 MR. BALLMER: Mark Ballmer, B-A-L-L-M-E-R. I'd like
13 to make -- agree with this gentleman here. Soil and Water
14 has had such a great impact with the filter strips and
15 controlling our water filtrations and stuff like this by
16 preventing pollutants into the aquifer. And your comment,
17 you would only look at a small percent of the
18 federally-funded jobs, and I'm primarily looking at road
19 jobs, the contaminates in the aquifer would primarily not
20 come from this small group. We already have an
21 EPA-mandating Clean Water Act. And so what damage would
22 come from this small group that you look at of jobs would
23 be so minute, because that's not where the problem is going
24 to be coming from. And so why mandate this position, or
25 this job in aquifers, when it isn't going to have that big

1 of an impact on the aquifers, compared to other projects
2 and stuff like that?

3 MS. OSTERMEIER: Thank you. Next, Glen Frobel,
4 William Harvey.

5 MR. FROBEL: I'm Glen Frobel, F-R-O-B-E-L, from
6 Cambria Township, Hillsdale County.

7 Recently in Hillsdale County, three townships got
8 together to fund a study for a joint sewer project. The
9 study cost taxpayers over 60 grand. This was done quietly,
10 and it was done on a need-to-know basis, and they thought
11 the taxpayers didn't need to know. The consultants came up
12 with a \$40 million price tag, which is four times the
13 annual county budget. We, the people, our local
14 government, and applied -- we applied facts and pressure
15 that became unbearable to our local officials, who were
16 exposed, and became accountable to the taxpayers. They
17 wanted to create a perpetual cash cow.

18 I see similarities in keeping the aquifer project on
19 a low profile, what I call under the radar. When
20 politicians, whether honest or shady, start a project like
21 a sole-source aquifer, and keep it as quiet as they have
22 been, they are trying to hide something from the citizenry
23 of three states, with the final decision in the hands of a
24 branch of government called the EPA. Thank God for our
25 state representative Ken Kurtz. Without him, we would not

1 have assembled these last two evenings.

2 We were thoroughly entertained last night by the EPA
3 in Hudson, Michigan. After their presentation, we were
4 told they intend to sign on to the Bryan sole-source
5 aquifer. They've always signed off on the aquifers.
6 They've never denied one. There were people from the
7 City of Bryan there, and for whatever reason, the person
8 did not, or could not, explain the virtues or benefits for
9 Ohio or Michigan of a sole-source aquifer.

10 We have laws that dwarf anything in Ohio to the
11 federal level regarding clean water in Michigan. We know
12 how to manage our great lakes, inland waters and
13 groundwaters without outside interference with separate
14 entities with unclear motives.

15 The majority of questions asked last night were
16 answered with a deer in the headlights look, or a nervous
17 snicker, or I don't know, or my favorite, write it down and
18 we'll get back to you. I hope the people of Bryan are
19 looking for answers to questions from honest questions
20 directed to elected government officials. There should be
21 honest answers that will reveal the truth. Truth in what
22 is going on here is the key. The government works for and
23 answers to, we, the people. We demand answers. We are not
24 radical or threatening, but any branch of government that
25 acts in bad faith, without answering to we, the people, is

1 not only threatening, but tyrannical.

2 Without regard to state's rights, existing state law,
3 and property rights, the very idea that the EPA will just
4 rubber stamp this request to gain a foothold of power in
5 three states is folly and not good government. Depending
6 -- being dependent on the federal government for loans that
7 extend their power to curtail our pursuit of happiness is
8 wrong. Since we have the people of Michigan -- since when
9 have the people of Michigan lost their right to regulate
10 their natural resources?

11 I believe if you in Ohio desire sole-source aquifer,
12 do it in your own state, and do not drag your neighbors to
13 the north into another layer of unwanted federal
14 government. We answer to God in Michigan, just like many
15 of you answer to God, not the whims of men.

16 History reminds me of the treaties with the
17 American Indians that were signed and never intended to be
18 honored, because of an unclear agenda of the government.
19 Therefore, I request the EPA to extend the process 180
20 days, until the principals can uphold the constitution,
21 keep the sovereign rights of states, and not be run over
22 over local or federal government.

23 MS. OSTERMEIER: Thank you.

24 MR. FROBEL: And thanks for the New Era people for
25 having us here tonight. Appreciate it.

1 MS. OSTERMEIER: Thank you.

2 MR. HARVEY: Do I have to state --

3 MS. OSTERMEIER: That's good.

4 MR. HARVEY: Okay. My name is Bill Harvey. I
5 strongly support the designation Michindoh Glacial Aquifer
6 as a sole-source aquifer by the United States EPA for the
7 following reasons:

8 Michindoh Aquifer is an aquifer of glacial out wash
9 debris pushed ahead of the Wisconsin ice advance across a
10 nine county area in Northwest Ohio, Southeast Michigan, and
11 North --

12 MS. OSTERMEIER: I want to make sure everything you
13 say is being heard. I'm going to ask you to hold this.

14 MR. HARVEY: Okay.

15 MS. OSTERMEIER: Because I think she's having a
16 little bit of a hard time hearing you.

17 MR. HARVEY: Okay. You've got a copy of it.

18 MS. OSTERMEIER: Okay.

19 MR. HARVEY: The Michindoh Aquifer is an aquifer of
20 glacial out wash debris pushed ahead of Wisconsin ice
21 event across a nine county area in Northwest Ohio,
22 Southeast Michigan and Northeast Indiana. It is the sole
23 source of drinking water for 26 communities in the aquifer
24 area. If this aquifer becomes contaminated or depleted and
25 a new source has not been found for our drinking water,

1 according to estimates in the sole-source aquifer petition,
2 it will cost those 26 communities 155 million to replace.

3 The two dangers this aquifer faces are overdrilling
4 and contamination. The total -- total water usage is 72
5 million gallons per day. Forty-three percent is used by
6 public water systems, 23 percent used by private or
7 residential systems, and 34 percent used by irrigation and
8 industry. Overdrilling can cause a lot of trouble. It's
9 caused a lot of trouble on the west side of the much larger
10 Ogallala Aquifer in the panhandle of Texas. This depletion
11 in an overdrilled area has caused many wells to be unable
12 to furnish enough water for irrigation purposes. As a
13 result, many farmers in that region have been forced to
14 revert to dry land farming, that is probably not a problem
15 in this Michindoh Aquifer.

16 In the near future, however, contamination is
17 probably a bigger hazard to the Michindoh Aquifer. The use
18 of insecticides and fertilizers in large quantities on the
19 land could cause water contaminating these toxic materials
20 to percolate to the Michindoh Aquifer, contaminate our
21 drinking water. We also have a high density dairy cow
22 operation in northwest Williams County. Have any methods
23 been made to verify that effluent from this facility does
24 not reach the Michindoh Aquifer?

25 If this aquifer is determined a sole-source aquifer

1 by the EPA, hopefully new drilling projects would be under
2 EPA scrutiny and sources of contamination checked by the
3 EPA to be sure that they will not contaminate our drinking
4 water. Thank you.

5 MS. OSTERMEIER: I already have it. Thank you. Thank
6 you very much.

7 David Newcomer, I believe, is that correct? Just a
8 moment, and Jay Williams.

9 MR. NEWCOMER: N-E-W-C-O-M-E-R. N-E-W-C-O-M-E-R.

10 First, I -- I received a letter from Bruce Goodwin,
11 State Representative, 74th House District today. He asked
12 that I read part of this for the record tonight, which I
13 will now do.

14 My first term of office, state representative, 74th
15 Ohio District, I wrote a letter of support for maintaining
16 the protection of this aquifer. At that time, I believed,
17 as I still do, that it is important to protect this
18 precious resource. Since that time, it's come to my
19 attention that this decision could potentially create
20 obstacles for agricultural and economic growth in the areas
21 that I represent.

22 As you know, when an aquifer is designated as the
23 sole principal source of drinking water for a given area,
24 the U.S. EPA must review all federally-funded projects in
25 the area to determine potential for aquifer contamination.

1 No federal funds may be spent on any project that the
2 U.S. EPA determines may contaminate the aquifer.

3 While I continue to support maintaining the safety
4 and drinkability of the water in the Michindoh Glacial
5 Aquifer, I will be unable to support changes that will
6 directly or indirectly restrict economic growth or
7 agricultural production in the regions. Sincerely,
8 Bruce W. Goodwin.

9 MS. OSTERMEIER: I -- I -- I think we're good.

10 MR. NEWCOMER: Okay. I want to expand on
11 Mr. Goodwin's comments a little bit. In my experience, and
12 that consists, among other things, in doing the work to
13 bring Menards Distribution Center to this county, and with
14 all respect to Mr. Casebere, I totally disagree with his
15 conclusion that this kind of thing does not have an impact
16 on economic development. It is one more step, one more box
17 to be checked, and one more problem to be resolved, not
18 always easily. And therefore -- well, first. Secondly,
19 although I don't see any risk analysis anywhere in this
20 decision of whether it's turned into an aquifer, I fail to
21 see why all the state bureaucracies and rules and
22 regulations that we now comply with don't do the job
23 adequately today. I -- I've had no disrespect to you few
24 folks, but as a minor example, the project at Menards got
25 delayed three months while the archeologist decided whether

1 or not it was an old Indian site. These kinds of things
2 leave a long history with people in development. They're
3 very aware of them, and they want as few of those kinds of
4 things to deal with. We were in hot competition for that
5 project with another location in Indiana, which is outside
6 of this aquifer. That's the kind of thing that hurt -- can
7 hurt you.

8 We -- I am echoing the sentiment that you've heard
9 many times before, that we don't need additional layers of
10 bureaucracy to work through on projects. I also serve a
11 local board that works with the various federal grants for
12 federal money, state monies, and I'm concerned that this
13 will have one additional layer of complexity to those
14 operations. Therefore -- I guess I also should say I'm
15 here on behalf of Wilson Realty, they asked me to appear
16 also, in opposition to this. We do not believe that this
17 is beneficial to justify doing it. Thank you.

18 MR. WILLIAMS: Jay Williams, W-I-L-L-I-A-M-S,
19 Hillsdale County, Michigan. It's become clear that the
20 communication was a little lacking with your neighbors to
21 the north. And I believe through that, probably your
22 information about how we handle our groundwater in our
23 state probably wasn't researched as well as it should have
24 been either.

25 For instance, there is a groundwater technician in

1 each county in the state of Michigan. They are charged
2 with things such as closure of wells, of which about 8000
3 have been closed to protect the aquifer, for promotion of
4 anti-siphoning devices to protect the aquifer, so that
5 water is not pulled back in, contaminants aren't pulled
6 back into the aquifer. We have the Michigan Ag
7 Environmental Assurance Program, which is a voluntary
8 program, that all of us in agriculture have available to
9 us, so that we can voluntarily undergo inspections, and
10 make sure that our operations comply with environmental
11 regulations that are out there, and go beyond those
12 regulations to protect the environment that we earn a
13 living from.

14 I would encourage you to research how we handle that,
15 and perhaps the state of Ohio and state of Indiana could
16 copy some of those programs, without adding this other
17 layer of bureaucracy that is there. You stated earlier
18 that, yes, you hadn't shot down any projects that came
19 under review. However, we know that federal law supercedes
20 state law. There is a process in the state that is
21 effective for protecting our groundwater, such as we have
22 in Michigan. That is what should control the water of the
23 states, not submitting that to federal review, federal
24 layers, and additional headaches for those who want to
25 bring economic development and enjoy the -- the environment

1 that we have. Thank you.

2 MS. OSTERMEIER: Julie Weatherington, followed by
3 Douglas Bloom, followed by Brandi Whetstone.

4 MS. WEATHERINGTON-RICE: Can you hear me?

5 THE REPORTER: Yes.

6 MS. WEATHERINGTON-RICE: Dr. Julie, J-U-L-I-E,
7 Weatherington, W-E-A-T-H-E-R-I-N-G-T-O-N, hyphen Rice,
8 R-I-C-E.

9 Thank you for allowing me to speak. Since 1986, I
10 have worked for the firm of Bennett & Williams
11 Environmental Consultants, Inc. in Central, Ohio, where I
12 am the senior scientist. I have had the privilege to work
13 on projects in three of the four currently designated
14 sole-source aquifer areas in Ohio. I helped to write the
15 petition for the Western Allen County sole-source aquifer
16 and have had the experience of working on this aquifer as
17 well.

18 With more than 23 years of history with the program,
19 I know that sole-source aquifer designation is a positive
20 and beneficial effort. I recommended early on that this
21 aquifer be petitioned. We have big cities like Cincinnati,
22 medium cities like Dayton and Springfield, and small
23 hamlets included in the designated areas. We have large
24 areas of Ohio's richest farmland designated. And for those
25 of you on private wells, sole-source aquifer designation is

1 the only federal protection you qualify for under the Safe
2 Drinking Water Act. All the rest of it is for public
3 aquifer -- public uses only.

4 To date, we have found no adverse economic impacts
5 from the designation. In fact, Springfield has weathered
6 the recession with no significant economic downturn, in
7 part because of their prolific protected water supply.
8 Only projects using federal funds are required to have an
9 extra screening for assurance of groundwater protection,
10 since those funds are spent by government who would have to
11 find the money to replace the water resource, if it was
12 damaged. It is in their best interest not to contaminate
13 it.

14 Petitions are typically supported by local, state and
15 federally-elected officials as a matter of course in Ohio.
16 Actually, this is the first time I've ever heard anybody in
17 -- that's an elected official say that they weren't
18 interested in supporting it. In Ohio, we are so concerned
19 about the protection of our groundwater, that we just
20 passed a constitutional amendment, a state constitutional
21 amendment, to protect it, giving it even higher status than
22 mineral rights.

23 In fact, thinking back over the last years, once
24 people had educated themselves to the importance of
25 groundwater aquifers, the only people that I remember who

1 were against sole-source aquifer designation were groups or
2 individuals who either had already contaminated the water,
3 or were planning to contaminate it. I think most of the
4 people here tonight, if they took the time to really
5 educate themselves, would find that this is a good thing.
6 I have much longer comments and a published article that I
7 am going to submit. Thank you.

8 MS. OSTERMEIER: Thank you. Oh, Brandi.

9 MS. WHETSTONE: I'm here. It's Brandi Whetstone,
10 B-R-A-N-D-I, W-H-E-T-S-T-O-N-E.

11 My name is Brandi. I'm a conservation coordinator
12 with the Sierra Club, Ohio chapter, and a Bryan, Ohio
13 native, so I grew up here. I grew up drinking the water,
14 until I moved away and went to college.

15 Sierra Club is the oldest and largest grassroots
16 environmental group in the country. And the Ohio chapter
17 represents about 17,000 members across the state, working
18 to make Ohio a better place to live for our children and
19 grandchildren. And I come here today offering our support
20 for the request to designate the Michindoh Aquifer as a
21 sole-source aquifer. And we commend the City and the
22 supporting citizens and communities for having foresight to
23 protect the source of drinking water for more than 385,000
24 people in the region, who depend on a continued supply of
25 safe and clean drinking water. And those people do include

1 my family, friends, former teachers and classmates. My
2 brother is here tonight too, so that includes him as well.

3 The sole-source aquifer designation -- and I won't go
4 into all the detail that I wrote here, because you got a
5 lot of explanation already, so you don't need to hear it
6 again, but if contaminated, could pose a significant threat
7 to public health and safety. And it does actually provide
8 a benefit, with just some added consideration, a general
9 precaution for federally-funded projects that could
10 potentially contaminate this critical source of water for,
11 again, more than 385,000 people. And I do want a little
12 more clarification on what federally-funded projects means,
13 now that that question has been thrown out there.

14 According to the Bryan Municipal Utilities' website,
15 the aquifer designation would provide multiple benefits,
16 and those would include helping to increase public
17 awareness of the value of the groundwater resources, which
18 obviously is a very important and first step for people
19 understanding how we should be making decisions in the
20 future, if that's the only source of drinking water that we
21 have in the area, and considering the cost of that. We
22 have some good data on water quality in vulnerable areas.
23 It provides insight into managing hazardous waste,
24 potential for attracting business that uses water in their
25 processes, and broadening of well head protection, and

1 overall informing planning for responsible growth.

2 I think the City and the partners have provided pretty
3 extensive analysis to demonstrate that this is a valuable
4 and unique resource that does deserve consideration when
5 planning for the future. Am I --

6 MS. OSTERMEIER: You have 30 seconds.

7 MS. WHETSTONE: 30 seconds. Okay. I will just close
8 it by saying that I support this designation. Please
9 support this for the Michindoh Aquifer, and I'm proud of
10 the City and the residents and the communities that are
11 demonstrating the value of their drinking water supply.
12 Thank you.

13 MS. OSTERMEIER: Next is Stewart Rosendaul, followed
14 by Sherry Fleming; is that correct?

15 MR. ROSENDAUL: Stewart Rosendaul, S-T-E-W-A-R-T,
16 R-O-S-E-N-D-A-U-L.

17 I had a lot to say, but we didn't have enough time, so
18 I'm here to support the Michindoh Aquifer one hundred
19 percent. There are a lot of places just north of here that
20 have wells that are open. You can drop a watermelon in.
21 And in case you have been living under a rock, there is a
22 lot of nuts in this world today. And the more nuttier they
23 get, the more rocks they come out from under. And if my
24 memory serves me right, the northern part of this aquifer,
25 which by the way, I'm sure there is a lot of people that

1 didn't even know there was an aquifer until tonight. They
2 have no idea where the water comes from, other than out of
3 the ground, so this is a good educational thing. And so
4 I'll rest my case. I have a lot more to say, but no time
5 to do it. Thank you.

6 MS. FLEMING: My name is Sherry Fleming, S-H-E-R-R-Y,
7 F-L-E-M-I-N-G. I am a resident of Williams County, and I
8 was involved with this group when it first formed a few
9 years ago. And I guess it's good to see all these people
10 out here tonight, and I guess I wish they would have been
11 there, because I know the first couple of years, a lot of
12 effort was put into trying to get communities involved.
13 This wasn't a secret process at all. In fact, the name
14 Michindoh came from a member who recommended it from our
15 soil and water agency here in Williams County,
16 Mark Jacoby, so the -- the -- I hope people don't think
17 this was done secretly, because it wasn't. And I wish we
18 could have filled the room with this many people when we
19 were meeting.

20 I really want to thank the people that continued and
21 took this project out, because I support this very
22 strongly, what they're doing, that they have the vision to,
23 if nothing else, give awareness to the community of the
24 valuable resource that we sit on. And I guess I'm someone
25 that's lived in this area for about 25 years, but where I

1 grew up, and I grew within walking distance of Lake Erie,
2 my whole childhood, I never swam in the lake. And I think
3 it was probably pretty incomprehensible to think that we
4 could do as much damage to Lake Erie as we did, that you
5 wouldn't want to swim in it. So the reasoning that there
6 is no problem now, so we don't need to worry about it, I
7 don't feel is very wise. And I just really commend the
8 effort. And sometimes doing the right thing isn't the most
9 popular thing to do, but I'm sure in generations to come,
10 that this will be appreciated very much. So I thank you
11 for this time.

12 MS. OSTERMEIER: Kerry Sanders, Dean -- wait. Didn't
13 I do -- Dean Genter made a comment already? Yes. Sorry.
14 Roy Norman.

15 MS. VOLLMER-SANDERS: My name is
16 Kerry Vollmer-Sanders, V-O-L-L-M-E-R, S-A-N-D-E-R-S. I too
17 am a native of this area. I also work at Michigan Farm
18 Bureau as the agriculture ecology specialist.
19 Michigan Farm Bureau is the largest state, general farm
20 organization representing 47,000 family farm members. And
21 tonight I appreciate the opportunity to provide comments on
22 behalf of our membership.

23 To begin with, I'd like to share some information
24 about the importance of Michigan agricultural industry to
25 our state. Michigan agriculture is the second largest

1 sector in the state's economy, contributing over
2 \$71 billion annually. We employ one in four workers in the
3 state, and agriculture ranks second nationally in commodity
4 diversity only to California.

5 Michigan farmers care. As stewards of the land,
6 farmers are dependent on the resources that they manage.
7 Our members care about Michigan's natural resources and
8 support sound, scientific practices as a means for
9 implementing conservation measures.

10 We believe groundwater is of top priority. In fact,
11 our members supported an initiative to tax themselves in
12 order to administer the state's Groundwater/Freshwater
13 Protection Act, and have groundwater technicians cover the
14 entire state. These technicians take great strides to
15 educate homeowners, landowners, and lakefront property
16 owners. As a result, the Michigan groundwater technicians
17 have decommissioned nearly 8000 abandoned wells and
18 installed almost 7000 backflow devices.

19 Further, Michigan's agriculture environmental
20 assurance program proactively ensures environmental risks
21 are reduced or eliminated. To date, almost 800 farms have
22 successfully completed verification within this program.
23 We have and will continue to educate our members about the
24 importance of agricultural conservation in groundwater.

25 We are concerned that designating the Michindoh

1 Aquifer as a sole-source aquifer will impact the farmers in
2 Michigan. Due to the lack of a memorandum of understanding
3 with the USDA, there will be delays in projects being
4 completed under the conservation title of the farm bill.
5 The extra layer of bureaucracy may discourage farmers from
6 implementing meaningful conservation projects. The
7 designation, therefore, could prevent actual conservation
8 practices from being implemented, due to the extended time
9 frames, increased costs, and perceived difficulties in
10 contract completion.

11 Farmers in the Hillsdale, Branch and Lenawee Counties
12 have historically been some of the most aggressive in
13 implementing conservation practices in any in our state.
14 Adding this designation does not offer any liability
15 protection on a given project and adds federal, and
16 potentially personal cost, for a project that is already
17 being reviewed from the USDA.

18 Michigan Farm Bureau appreciates the City of Bryan's
19 concerns for healthy groundwater. We recommend EPA take a
20 closer look at the availability of other alternatives, such
21 as surface water and/or cisterns. Michigan Farm Bureau
22 opposes the designation of any sole-source aquifer by the
23 EPA which crosses a state line. We recommend that the
24 aquifer boundary be redrawn to the state border, as to not
25 include Michigan, if you proceed with this designation.

1 Thank you again for this opportunity.

2 MR. NORMAN: Roy Norman, R-O-Y, N-O-R-M-A-N,
3 Organizational Director with the Fulton/Henry/Williams and
4 Defiance County Farm Bureaus. Also the Ohio Farm Bureau
5 opposes this sole-source aquifer designation as well.

6 Mr. Spaulding, the Defiance, Fulton and Williams
7 County Farm Bureaus oppose the sole-source aquifer
8 designation for the Michindoh Aquifer. The three county
9 Farm Bureaus represent more than 3000 Farm Bureau families.
10 The sole-source aquifer designation does not have the
11 support of the people.

12 A group led by unelected employees of the
13 Bryan Municipal Utilities Department is not representative
14 of the people of these counties. Make no mistake. The
15 main goal that drives this, the members of this group's
16 main goal is to stop livestock agriculture. For years, I
17 have sat by and watched this group, as they have screamed
18 doomsday prophecies about how livestock agriculture will
19 destroy our water supply. Yet, it has not happened.
20 Remember that we have lived, farmed and operated factories
21 and businesses above this aquifer for more than 150 years,
22 and we have not contaminated it beyond use. History is on
23 our side. We already have EPA restrictions and guidelines
24 in place to protect our water, and we need no more.

25 What we do need here are more jobs. Currently we are

1 faced with double digit unemployment, and we do not need
2 another unnecessary hurdle for prospective businesses that
3 may want to locate here. We also need a strong, vibrant
4 agriculture economy and that includes livestock
5 agriculture. A sole-source aquifer designation can only
6 hurt our agriculture and business industries.

7 Folks, we live in a society where a lot of people
8 have way too much time on their hands. We live in a
9 society where people get their information from watching
10 Oprah, Ellen, or The View. We live in a society where
11 these people have too much time on their hands, and they
12 feel they have to do something that makes them feel good.
13 This nonsense needs to stop.

14 We produce the safest, most abundant food supply in
15 the world, thanks to our farmers. We need to maintain that
16 safe, abundant food supply, and to do that, we need to have
17 our food grown here, not in other countries.

18 We must stop this constant nonsense of attacking
19 agriculture, because we think people ought to farm the way
20 our grandparents did 70 years ago. Today, each farmer
21 feeds over 140 people, yet, we are constantly challenged
22 every step of the way by burdensome regulations, animal
23 rights activists, vegans and environmental extremists. We
24 have global warming experts blaming global warming on
25 methane generated by our cows, and wanting to tax us per

1 head of cows. We have environmentalists screaming for dust
2 control on our farms, because we might be generating dust
3 when we plant our crops. All of this is designed to put
4 farmers and business people out of business, and turn our
5 lives over to the federal government. Enough is enough,
6 and again, we oppose this designation.

7 (Clapping.)

8 MS. OSTERMEIER: Thank you. Darrell Hancock,
9 Roger Pitts.

10 MR. PITTS: Roger Pitts, R-O-G-E-R, P-I-T-T-S.

11 As I said before, I'm a farmer in Hillsdale County and
12 Williams County both, so I am familiar with the area, also
13 an Amboy Township Trustee. We do oppose, as an Amboy
14 Township Board, the designation of the aquifer.

15 Hillsdale County is second to none in water
16 conservation districts. We have a great team up there that
17 -- Williams County has a long way to go to get to where
18 we're at. And it just makes no sense. These two
19 gentlemen, and his whole group of people, are not going to
20 stop your water from being contaminated, no matter what he
21 tells you. It's not going to happen. He can't do that. I
22 really think that this whole thing is just another
23 bureaucracy deal that we really don't need.

24 My water doesn't come from the City of Bryan. It's
25 not processed. I drink it out of my well, and it's

1 perfectly fine every time I have it tested, with 200 cattle
2 around my farm. So I really don't think we're sending any
3 contamination your way. And I would rather you would leave
4 Hillsdale County out of the whole thing. If you want to
5 detour any growth in your county, that's fine.

6 Hillsdale County in Michigan, as a whole, is struggling
7 enough. We don't need to lose more jobs. We don't need to
8 lose more enterprises coming in. That's all I got to say.

9 MS. OSTERMEIER: Roger Pitts.

10 THE AUDIENCE: That's him.

11 MS. OSTERMEIER: I'm sorry. I had to step out for a
12 second. And then Darrell Hancock. Okay. Linda Walton,
13 followed by Dale Whitler. Sorry if I call people twice.
14 It's a cumbersome process to keep track of everybody who
15 wants to make a comment. Is Dale no longer here either?

16 Okay. Ray Strup.

17 MR. STRUP: That's okay, ma'am. You can stay.

18 MS. WALTON: I can walk. Take that right apart. My
19 name is Cinda, C-I-N-D-A, Walton, W-A-L-T-O-N. I represent
20 the Board of Pittsford Township, Hillsdale County, and I
21 stand in opposition. I attended all the sessions last
22 night and today, and I have read quite a bit of material.
23 And at this point, I have not been given any substantial
24 reason to support, given that we already have good
25 protection in the state of Michigan. Thank you.

1 MR. STRUP: My name is Ray Strup, R-A-Y, S-T-R-U-P. I
2 came here tonight to gather information. I haven't formed
3 an opinion, but I came here to gather information and state
4 my concerns. I intend to continue to be, for the rest of
5 my life, a good steward of the land that I live on. I
6 mentioned earlier that I have the one acre of ground, I
7 have my own well. I already am subject to whatever rules
8 and regulations that affect me, and anything to do with my
9 water, anything that has to do with bringing water to my
10 house, I am already one hundred percent responsible for
11 that, and the cost is all mine, and I understand that.
12 It's part of the give and take of living in the country,
13 and I love it.

14 My concerns are people that do not live around here,
15 that nobody got to vote for, making decisions that may
16 adversely affect my future. My concerns are rules and
17 regulations above and beyond what are necessary. And I'm
18 not saying this is what this is doing, but that is a
19 concern of mine, and my concerns are what is it going to
20 cost me? If I can continue to be a good steward and abide
21 by the law, and don't do any harm to anybody, is it going
22 to cost me real taxes, fees, licenses, whatever, that I can
23 see, and what are they? What are the possible future
24 hidden costs to me? Thank you.

25 MS. OSTERMEIER: Lynn Henning and Christina Baker.

1 After Lynn, will then be Jenny Halloin. Sorry.

2 MS. HENNING: My name is Lynn Henning, L-Y-N-N,
3 H-E-N-N-I-N-G. I am a family farmer, and also
4 CAFO Water Sentinel from the Michigan Sierra Club. I'm
5 here to represent and support the City of Bryan for the
6 20,000 members from Michigan. We support the City of Bryan
7 and the surrounding citizens, communities, and family
8 farmers for having the foresight to protect our source of
9 drinking water for today, tomorrow, and future generations.
10 I am also here to submit documentation that Bryan may not
11 have for Michigan.

12 We have 25 permitted CAFOs in Lenawee, Hillsdale and
13 Branch County, which contain over 27,234 cows, with 10,383
14 more proposed. We also have 32,532 pigs, which are raised
15 annually.

16 The Michigan Department of Environmental Quality has
17 documented 1,077 violations from the 12 CAFOs near Hudson,
18 Michigan. This area alone has over 60 animal waste
19 lagoons, with over 400 million gallons of holding capacity.

20 Dr. Joan Rose from Michigan State University has
21 DNA'd cryptosporidium and Giardia over the
22 Michindoh Aquifer. We have numerous sites that were DNA'd
23 back to the cattle.

24 Cryptosporidium is a pathogenic parasite that killed
25 104 people in Milwaukee, Wisconsin in 1993. On

1 December 14th of 2009, the Michigan DEQ filed complaints in
2 the Ingham County Court for 128 days of 707 violations of
3 irrigated waste of concentrations more than two times the
4 amount allowed under the NPDES permit. Also unacceptable
5 high levels of copper were in the -- in fluent that was
6 being irrigated. One of the CAFOs has put two waterways on
7 Michigan's 303(e) list. Eight of the CAFOs in the Hudson
8 area have been fined by the state \$787,600 for pollution
9 fines over this aquifer.

10 Dudley Spade, our State Rep, from the 57th District,
11 and Cameron Brown, State Senator, have given their support
12 and best wishes for protection of the environment. The
13 City of Bryan and their partners have provided an adequate
14 analysis to demonstrate that this aquifer is a precious
15 resource that cannot be replaced. We need immediate
16 designation to protect our drinking water. There should be
17 no modifications, exemptions, or extensions of this
18 designation.

19 Please support this designation. The task of
20 protecting our drinking water must be given the highest
21 priority.

22 MS. OSTERMEIER: Thank you.

23 (Clapping.)

24 MS. HALLOIN: I'm Jenny Halloin, H-A --

25 H-A-L-L-O-I-N. And these are my personal comments, but I

1 also represent the Green Party of Hillsdale County.

2 I support Bryan, Ohio in their application to
3 designate the Michindoh Aquifer -- I'm -- just a second --
4 the Michindoh Aquifer as a sole-source aquifer. I want it
5 to extend into Hillsdale, Branch, and Lenawee Counties in
6 Michigan. And from the EPA, the things I have read on it,
7 that we're actually more susceptible, because we have more,
8 what, 15 inches of infiltration per year for the aquifer.

9 Okay. We have had severe pollution events,
10 particularly around Hudson, Michigan with CAFO pollution,
11 and Bryan is not being selfish. I cannot afford, and a
12 regional sewer and water study found that we cannot afford
13 forced water to rule in lake residences in Hillsdale,
14 Michigan. It's a 2008 study. And when I submit a written,
15 I'll give the -- the firm that did that.

16 Okay. I want our statutes and administrative rules
17 referencing the sole-source aquifer to be just as strong as
18 Ohio's. Landfills, tire disposal and manure storage and
19 treatment ponds should not be allowed to pollute our
20 groundwater. And we certainly should not be funding it
21 with federal money.

22 The Michigan Department of Agriculture is not doing
23 an adequate job in protecting the surface and groundwaters
24 of Michigan. Thank you.

25 MS. OSTERMEIER: Next, William Bishop, followed by

1 Jim Flager.

2 MR. BISHOP: Hello. William Bishop, B-I-S-H-O-P.
3 And I'm from Reading Township in Hillsdale County,
4 Michigan. And I'm speaking in favor of the aquifer
5 designation.

6 In order to address certain Michigan right to farm
7 act issues within Hillsdale County's proposed planning
8 commission ordinance, it fundamentally relies on
9 agricultural immunities towards resolution of environmental
10 concerns, such as an aquifer for protection. I find it
11 desirable that the single-source aquifer designation be
12 undertaken.

13 One reason in having a central monitor, such as EPA,
14 over a local planning initiative, such as Hillsdale
15 County's proposed ordinance, would be the applicability of
16 the Administrative Procedures Act covering EPA decision
17 making to include judicial review.

18 This is opposite to the politics of local agency
19 decision making involving levels of discretion not governed
20 by the EPA, meaning the Administrative Procedures Act,
21 which in Hillsdale County, through ordinance, would
22 emphasize capping liability costs for agriculture, and then
23 leave nothing a reviewing court could otherwise evaluate.
24 It -- that's where the courts come in. Thank you.

25 MS. OSTERMEIER: Jim is not here? Jim? No.

1 David -- oh -- of Lions, Ohio. I'm sorry. I
2 couldn't read your handwriting, and Anita Young. Okay.
3 Roger Strup, didn't we do Roger? Yes. Sorry. Brent
4 Shumaker. No? Debra Schmucker? Sorry about that delay.

5 MR. BLESING: My name is David Blesing. I'm a
6 resident of Fulton County. Name is spelled B-L-E-S-I-N-G.
7 I am here to support the designation of the
8 Michindoh Aquifer. I want to really express my
9 appreciation to the folks from Bryan and the folks from the
10 group that -- that brought this to this point.

11 Water, fresh water, is our planet's most precious
12 resource. It's an extraordinary resource that can't be
13 replaced. Because of this, it's going to take
14 extraordinary measures to protect it for the future
15 generations. Most of us will not be here when pollution
16 happens, if it does happen, but our kids, our grandkids, a
17 generation yet unborn will have to deal with it. So for
18 that reason, I support this. And I want to thank you folks
19 in EPA for what you do. Thank you.

20 MR. STRUP: My name is Roger Strup. It's R-O-G-E-R,
21 S-T-R-U-P. I represent the Edgerton Development Company,
22 and also the Edgerton Chamber of Commerce. We feel that
23 the aquifer is better protected today than ever before.

24 The EPA, other government agencies, the County Health
25 Department, the Department of Agriculture, our state

1 legislature, just to mention a few, are all acting in
2 monitoring our water supply and any source of
3 contamination. Anyone wanting to locate or build, whether
4 it be a factory, or a home, or develop anything in this
5 area, will be turned off by any more bureaucracy. Now of
6 all times, in my lifetime, this seems to be a poor time to
7 add another layer of bureaucracy to anyone wanting to
8 locate here. Thank you.

9 MS. SCHMUCKER: Debra Schmucker, D-E-B-R-A,
10 S-C-H-M-U-C-K-E-R. I'm a farmer, along with my husband, as
11 well as several other farmers in this room. And it's
12 important that I think that we realize that farmers care.
13 They really care about the environment, and they care about
14 water quality. And as mentioned earlier, we drink the
15 water from our wells, and we raise children in this
16 environment. And it was noted earlier that there has been
17 pollution, excuse me, from CAFOs in the area.

18 And I think it's important to note that -- that there
19 might have been one bad actor, but that happens out there,
20 just like in other businesses. However, they are paying
21 the price, and they're making changes, and all of
22 agriculture should not be designated as that person.

23 We've made several -- done several improvement
24 projects on our farm to protect the environment, and
25 continue to do so, and have done those projects with cost

1 funding, partially shared from the federal government. And
2 that, as young farmers, concerns me, that if we have a
3 sole-source aquifer in Michindoh, that we will have to be
4 concerned about our sustainability, as it's no longer able
5 to easily get those projects funded as we move forward.

6 I'd like to note that it's been mentioned several
7 times, and in Michigan, we have an incredible USDA and
8 natural resources service that we work with in Hillsdale
9 County. They work with us inevitably to help us work
10 through these projects. And because we are able to use the
11 Michigan protection water services, I think that it's
12 important to note that -- that most of the environmental
13 controls that we need are already in place. And it's
14 difficult enough for most businesses to survive in this
15 environment, and specifically in this economic environment,
16 that another layer may make it impossible for farmers to
17 continue to move forward doing what they love. And might I
18 add, they love doing that, because they want to pass that
19 on to generations in the future. So protecting the
20 environment and being sure that we protect our water supply
21 is a number one concern of every farmer in this room.
22 Therefore, I would -- I would specifically urge, if this
23 proposal is to be considered to move forward, that we first
24 and foremost investigate thoroughly the laws and the
25 regulations we already have in place in Michigan, and we

1 ensure that, if possible, that we consider stopping the
2 designation at the state line, as was with the St. Joe
3 aquifer. Thank you.

4 MS. OSTERMEIER: Sandy Bihm, Bihm, I'm sorry. Say
5 that more time. Sara Fronczak. Okay.

6 MS. BIHM: Sandy Bihm, S-A-N-D-Y, B-I-H-M. I'm a
7 Western Lake Erie water keeper, and I work on the waters of
8 Lake Erie. And I guess I'm saddened by the conversation
9 tonight, in terms of what we're hearing here. I believe
10 water is the economic engine of the future for all of us.
11 And I believe water will bring the economies of this region
12 back. And so protecting it is of the utmost importance.
13 And I envy the people on the Michindoh Aquifer, because
14 according to USGS a few minutes ago, your water is okay,
15 you can drink it. It isn't of levels that you have to be
16 concerned about. And I congratulate all of you for
17 protecting that and helping that to happen.

18 This is my reality in Western Lake Erie, and this is
19 how the water was in the summer of 2009. It was green. It
20 was awful, and it's polluted. The cities of Toledo and
21 Oregon had to treat their water to greater extents, because
22 of the amount of green in the water, the algae in the water
23 that is caused by excessive amounts of phosphorus, which
24 many tell us comes down from Fort Wayne, down the Maumee,
25 and out into Western Lake Erie.

1 So I would encourage everyone here to band together.
2 Instead of using water as a whipping saw between the two
3 groups, to actually to think of water as an important
4 resource, excuse me, and to try and band together in its
5 protection, and find ways to answer questions and work
6 together to promote water as a great resource. And its
7 quality is something that can promote economic development
8 in areas with aquifers, and in areas like this, where we
9 desperately need your help to do something different,
10 because Lake Erie, the numbers of fish are dropping, the
11 quality of the water is dropping, people are selling their
12 boats, the intakes on the engines are getting choked out,
13 and it's not safe to swim in, in many cases. Thank you.

14 MS. FRONCZAK: Sara Fronczak, F-R-O-N-C-Z-A-K. I wear
15 many hats. I'm with the Hillsdale County Planning
16 Commission, I'm with Hillsdale Farm Bureau, I'm with the
17 Hillsdale Conservation District. Not only that, I farm. I
18 grew up farming, so I have a pretty good background, and I
19 also have a degree in aquatic ecology, so I'm pretty
20 schooled in all of this, and I have been around the block,
21 so here are my comments.

22 Simply put, sole-source aquifer is a federal agency
23 protecting you against federal agencies who already have
24 checklists concerning the environment. It's the EPA
25 protecting you from the -- from HUD, or the EPA protecting

1 you from the USDA. These agencies already had checklists
2 that deal with the environment. It's not going to protect
3 you from pesticides, fertilizers, manure contamination.
4 The sole-source aquifer will not protect you from these
5 contaminations. As the representative from the USGS
6 stated, these are the contaminations that you should be
7 concerned about. So efforts could be better appropriated
8 toward mitigating those sources.

9 This sole-source aquifer designation will hinder the
10 mitigation of those sources by instituting another layer of
11 approval, in a system that is already overburdened and
12 backlogged.

13 The conservation district, NRCS, the USDA, they have
14 a backlog of work to be done to protect your water. In
15 Michigan, we have the groundwater stewardship program. As
16 you heard, we already tax farmers to protect groundwater,
17 and we're working hard to do that. There are better ways
18 to protect groundwater than giving some kind of overall
19 power to the Environmental Protection Agency. This won't
20 help with many of your concerns. If your concern is a
21 federal agency building a federal project, like a road, or
22 digging a ditch, this is going to help you. Otherwise,
23 this will not help.

24 MS. OSTERMEIER: Paul Duggan, Ken Lautzenheiser.

25 MAN: Lautzenheiser.

1 MS. OSTERMEIER: Again, I don't even know what to say
2 about that. Sorry. You know, my last name is Ostermeier.
3 You would have thought we would have gotten that.

4 MR. LAUTZENHEISER: Make a good candy company. Go
5 ahead. Go ahead, Doctor.

6 MR. DUGGAN: Paul Duggan, D-U-G-G-A-N. We don't have
7 oil underneath us. We don't have natural gas. We don't
8 have gold. We don't have silver. However, we are blessed
9 enough to have fresh water, and let's start with the
10 premise that water is a precious commodity, okay? And --
11 well, we all need to live in an area that has potable
12 water, okay? Landfills leak, and the City of Bryan
13 anticipates the day that the landfill in this county leaks.
14 In anticipation of that, they have purchased land west of
15 the City of Bryan, so that when our aquifer, or our access
16 to the aquifer is polluted, we'll have a plan B. Now I
17 don't know when that day is going to come, when the
18 landfill leaks, but it's going to come. All landfills
19 leak. It's inevitable.

20 So again, we all need to live near potable water. If
21 we pollute the aquifer, we're going to have to move. We
22 can't transport water, because water is heavy. If you want
23 an example of that, take a five-gallon bucket, fill it up
24 with water, and go up your stairs. It's heavy. The idea
25 that Arizona is going to tap into the Great Lakes is kind

1 of crazy, because we don't have the money or the energy to
2 transport the water there.

3 There are already in the world what are known as
4 water refugees. Groundwater has been contaminated, for
5 example, in Egypt, in India. And when that happens, people
6 leave the villages. They're deserted. I don't want that
7 to happen in Williams County, nor does anyone in this room.
8 The sunbelt; Florida, Texas, Arizona, Southern California,
9 Las Vegas, have all enjoyed exorbitant growths in
10 population in the last 50 years. That's not going to
11 continue to happen in the next 100 years, because they
12 don't have the fresh water to continue that rate of growth.
13 Where are those people going to go? To encourage industry
14 or farm practices that threaten our local water are
15 short-sided. Okay? All those people are going to have to
16 go somewhere. They can't continue at that rate of growth
17 down there. They're going to come to the Great Lakes,
18 because we have fresh water. So for the farmers in this
19 group that have three, four, five hundred acres, I would
20 suggest that your best interest lie in the protecting the
21 freshwater supply, because the value of your land is going
22 to skyrocket, because people can't continue to live in
23 Phoenix, Arizona, and Las Vegas, Nevada, and San Diego,
24 California, because they don't have access to fresh water.
25 The freshwater supply in the world is going down. It's not

1 increasing. And when that happens, those people are going
2 to have to move, because they can't move the fresh water to
3 them. Is that it?

4 MS. OSTERMEIER: You've got about 30 more seconds.

5 MR. DUGGAN: All right. So again, I'd like to stress
6 that land values here are going to skyrocket if we protect
7 our supply and our access to fresh water. Thank you very
8 much.

9 MS. OSTERMEIER: Thank you.

10 (Clapping.)

11 MR. LAUTZENHEISER: I'd like to say ditto. I'm
12 Ken Lautzenheiser, Vice Chairman of the County Board of
13 Commissioners in Hillsdale County. And for the record,
14 Jennifer, that name is spelled L-A-U-T-Z-E-N-H-E-I-S-E-R.
15 I was in the fourth grade when I figured out how to spell
16 it.

17 I would like to echo the comments made tonight by
18 Sherry Vollmer from Farm Bureau and Mr. Norman. We could
19 just take their two speeches, and I would say ditto to
20 that, and stamp our approval, along with the baldheaded
21 gentleman from Fulton County, who made a nice report up
22 here, who I don't know, but I'd like to meet before we
23 leave.

24 As vice chairman and former chairman of our county of
25 Hillsdale, we're proud of the fact, as you heard from many

1 people here tonight, that we consider ourselves excellent
2 stewards of the public trust, and particularly of the
3 groundwater supply. We would never want to contaminate
4 water willfully and have that water flow into this area,
5 where my heritage comes from, in Ohio. We would never do
6 it voluntarily. We are overregulated in Michigan, if
7 anything. As I told my true friends last night from
8 Chicago, I am not for, nor are the seven member board of
9 Hillsdale County Board of Commissioners for more government
10 involvement and more government oversight. We have had
11 enough federal government. We don't want any more. We
12 don't need any more. We are overregulated at the state at
13 the time, and our county commission has carefully looked at
14 this issue.

15 I agree with the young lady who said let's stop the
16 aquifer line right at the state line. We want to be your
17 friends down here in Buckeye country, except one day of the
18 week when we play you in football, but other than that, we
19 want to be friends. We'll maintain the friendship.

20 Ladies and gentlemen, the government is taking over
21 your and my life in small increments day in and day out a
22 small step at a time. I am not for federal incrementalism.
23 And right now we have an administration that's even
24 accelerated that. We don't favor this in Michigan at all.
25 We respect the opportunity to come and speak. As a

1 World War II veteran, I fought a long time in Germany, 27,
2 29 months, helping to give you the right to assemble here
3 today, and I'm proud of that fact.

4 MAN: We appreciate it.

5 MR. LAUTZENHEISER: What is an 86-year-old man doing
6 out here tonight? I would just tell you what. My wife
7 said, what time, Ken? I said 11, before I get home. I
8 believe in this government, or I have up until this year.
9 I believe in this government. I believe in what we're
10 doing is correct. But despite it, I respect the people who
11 came, Bill and Mony over here from -- from the show I see
12 on TV. Mony, we like what you're doing. We don't need to
13 have you come to Hillsdale County and tell us and destroy
14 our economic base, put roadblocks in our way. We don't
15 want that to happen. We respect what you're doing in
16 Chicago. Keep the wind blowing down there. We'll keep the
17 water flowing up here.

18 (Clapping.)

19 MS. OSTERMEIER: Cindy -- Cindy Boje or Boje, or --
20 Kevin Bruer. Lives in Reading, just to get you to know
21 where you live. Okay. Is Cindy here?

22 MS. BOJE: Yes.

23 MAN: She's coming around.

24 MS. OSTERMEIER: Oh, she's coming around. Kevin, do
25 you want to go ahead and start?

1 MR. BEVER: Yeah. Kevin Bever, B-E-V-E-R,
2 Hillsdale County. Here to represent the Hillsdale County
3 Farm Bureau who strongly opposes this. We have heard from
4 my cohorts back there. Michigan is, I think leads the way
5 in groundwater protection. I think you need to slow this
6 down. If you want ways to close wells and find ways to
7 protect water, I'm just over the border. Give me a call,
8 and I'll put together a group, and we'll come down here and
9 teach you. There is ways to do it without more
10 bureaucracy. And that's all we ask is either that way, or
11 once again, it's been said, stop at the state line. Thank
12 you.

13 MS. BOJE: My name is Cindy Boje. That's French.
14 B-O-J-E, for the record, unless you're drinking Tequila,
15 then it can be Boje.

16 I'm a life-long resident of Hillsdale County and very
17 proud to be here after my County Commissioner,
18 Ken Lautzenheiser. We're very proud to have him here
19 tonight. I would like to make one comment. While I serve
20 on the Pittsford Township Planning Commission, I am here
21 speaking in and of and for myself.

22 My concern with the Michindoh Aquifer becoming a
23 sole-source aquifer is that it is one level of government
24 coming in under the guise of helping us out and saving us
25 and protecting everything, and what may happen in the

1 future. If the sole-source aquifer is put into place, is
2 there a chance that any one of the communities within that
3 aquifer, or the EPA, or another government agency, might be
4 able to source that water out to those states who don't
5 have enough water? And that would be my concern. I would
6 like to keep the water where it is. If you want to draw a
7 line between Michigan and Ohio, that's fine too. But
8 again, we're not here to draw a line against people, just
9 the water. Thank you.

10 MS. OSTERMEIER: Fred Dushal, Dashal. Chris Gale.
11 Are you Chris or Fred?

12 MR. GALE: Chris.

13 MS. OSTERMEIER: Okay. Janet Kauffman. I'm sorry,
14 we are actually at time, but we're going to go ahead and
15 keep -- take these last comments. Again, if you haven't
16 signed up to make a comment, please do so. We'll keep
17 going until everybody's had a chance to make theirs.

18 MAN: About how many more do you have?

19 MS. OSTERMEIER: We -- I think we've got about five.

20 MR. GALE: Well, in light of that, I'll try to make
21 sure I'm relatively quick. I think it's been said -- this
22 thing is rough. That any better? My name is Chris Gale.
23 Last name G-A-L-E. I think the whole point of what both of
24 these presentations have been, both last night and tonight,
25 has been the idea of protecting our groundwater. I think

1 it's also been said many times that Michigan has already
2 got adequate protections for this. We have the
3 Michigan Department of Environmental Quality, county
4 technicians, health officials. There isn't a single water
5 well, oil well, for that matter, gas well, that goes in in
6 Michigan that doesn't have some sort of regulation and
7 restrictions through both the permitting and application
8 setups that protect our groundwater.

9 At that point, one main question I'd like to make
10 sure is answered before anybody puts this through is in
11 Michigan, if this is going to cause a redundant and not
12 value-added level of government, then it shouldn't include
13 Michigan. There is no point in having multiple government
14 agencies do the exact same thing.

15 One of the things I noted reading the information on
16 the website was that there is absolutely no Michigan
17 official, or elected government official, that's actually
18 been in favor of this. Even the Michigan Department of
19 Environmental Quality noted it's a good idea for Ohio,
20 which listening to everything everybody said here, I think
21 is very true. Only one Indiana official, a state senator,
22 said this is a good idea. I don't know if this is because
23 of the fact that there has been a limited amount of time
24 people have known about this to comment. The information
25 on this was June of 2009. That's only six months ago.

1 Sometimes it takes a little time to actually make through
2 assessments.

3 One of the other things I'd like to definitely
4 request is that if this is going to continue forward, that
5 it be extended to allow other people to actually bring
6 forward information. I know I myself only learned about
7 this two months ago. That was beyond the actual first time
8 of closing the comment period. We just didn't know. I
9 don't know if that was -- I would hope that was not on
10 purpose. I think it was just a matter of oversight. It
11 didn't happen right, not the right channels.

12 Again, I would encourage whatever the people have said
13 throughout this whole process, that at the very least, the
14 time be extended. And if it is determined that it is
15 redundant government for the state of Michigan, that that
16 line be drawn to take Michigan out of it. Thank you.

17 MS. KAUFFMAN: I'm Janet Kauffman, J-A-N-E-T,
18 K-A-U-F-F-M-A-N. I'm here on behalf of the Bean/Tiffin
19 Watershed Coalition. I want to thank EPA for this
20 designation, and offer particular thanks to Bryan, and the
21 other municipalities, who coordinated the massive research
22 supporting the petition. Deepest thanks go to the
23 researchers and scientists in their multiyear effort for
24 important geological and hydrological studies to determine
25 the aquifer boundaries, the recharge zones, and the areas

1 vulnerable to groundwater contamination. A lot of this is
2 new information, detailed information that will help land
3 use planners, developers, public education, and
4 conservation efforts for years to come.

5 This designation looks to the future, not just to
6 conditions now. The designation recognizes not just the
7 environmental and scientific facts, but a plain economic
8 fact. It wouldn't be economically feasible to replace this
9 drinking water source. We couldn't afford to truck it in,
10 or pipe it, the drinking water for all of us who'd lose it.
11 We couldn't afford to clean it up. We would not be an
12 economically-viable region if we lost the aquifer. It's an
13 irreplaceable resource. So this designation helps everyone
14 now and in the future. Every one of us draws drinking
15 water from this aquifer from every home and farm with
16 groundwater wells, towns and cities.

17 In Michigan, Addison, Hudson and Morenci, all in our
18 watersheds, use groundwater wells. This designation will
19 help these municipalities as they work towards their
20 required source water protection programs.

21 Most of those who have objected to the designation,
22 object to only one part, the federal review of the projects
23 that are federally funded. Remember, review is only
24 required of projects when there is a risk to groundwater.
25 In the case of agriculture, it is only lagoon construction

1 that would come under review, no other ag projects at all,
2 only lagoons, and at no cost to producers.

3 As we learned in the information meetings, there is a
4 very short review time, usually a few days, and no more
5 than a month. Since it's already illegal to contaminate
6 groundwater, why wouldn't a producer want the extra
7 assurance their lagoon wouldn't contaminate groundwater?
8 If there are risks, why not assess them, in light of this
9 new information about water tables, recharge zones and
10 vulnerable areas? With so many people benefitting so much
11 from the designation, we offer thanks again to EPA and to
12 the petitioners and the scientists who researched the
13 aquifer, to the city councils and legislators who supported
14 it, including, by the way, U.S. representative Mark Schauer
15 in Michigan. The research has demonstrated the
16 vulnerability and the extreme value of the aquifer to all
17 of us drawing drinking water from it. Thank you.

18 MS. OSTERMEIER: According to my records, I have got
19 two more commentators, Lou Pendleton, and
20 Representative Kurtz.

21 MAN: I was -- I signed up on there.

22 MS. OSTERMEIER: Okay. That's -- that was going to
23 be my next thing. There are a couple of -- if I missed
24 somebody. So how about we go Lou, Kurtz, and then you; is
25 that fine? Thank you.

1 MR. KURTZ: Thank you. My name is Ken Kurtz,
2 K-U-R-T-Z. Started with a Ken. I want to tell you that I
3 appreciate being here, and what -- what I have learned and
4 what I understand. And my comment goes especially toward
5 -- I make the comments knowing that you're not going to
6 respond to that, but I would like to address the EPA.
7 Before I do that, I would like to thank the City of Bryan
8 for their concern and their passion, and for those who do
9 support this idea, but one thing that has been left out,
10 that I think is very apparent to me, as I represent the
11 people of Hillsdale and Branch County, what began in 2005,
12 out of whatever passion, desire, concern, wherever you
13 want, there is a great feeling, I think that's evidenced
14 here over and over the last two nights, that we have been
15 left behind. And the information did not come to us in a
16 manner that was expedient. I don't question that as to
17 why. I'm just saying, as a result of that, it should be
18 made very clear to EPA that we do need, at a minimum, the
19 extension of the 180 days that was -- that was already
20 anticipated. I think that to ask for anything less would
21 be a disservice in this sole-source aquifer designation to
22 the people that have a very vital interest, and a very
23 important voice in this, because we keep pointing ourselves
24 north, and we understand that. Allow us the time, allow
25 me, as their representative, to gather with, even though

1 some of my colleagues' names haven't been mentioned, I
2 really question, and I -- and I want to find out the
3 implication made towards some of my colleagues. Allow me,
4 allow the state of Michigan, allow the people that I
5 represent to get up to speed to where you're at, because
6 you will at least hear our voice when your decisions are
7 made. And I thank you for the time and the opportunity,
8 and believe it or not, I wasn't going to say nothing
9 tonight. But please do, accept -- accept our suggestion,
10 at a minimum of 180 days. Will you do that, please?

11 (Clapping.)

12 MS. PENDLETON: Thank you, Representative Kurtz. My
13 name is Lou Pendleton. I am the Chair of the
14 Michindoh Sole-Source Aquifer Group, and I am a resident of
15 Williams County, I'm a farmer, I have a family farm. And
16 so farming is also part of my interest, and I am glad to
17 know, as a farmer, and a resident, that these -- that these
18 efforts are being undertaken to protect our drinking water
19 source.

20 I was really glad to hear about all of the good work
21 that the Michigan Farm Bureau is doing in Hillsdale in
22 protecting our aquifer, because especially since the study
23 shows that the -- the water doesn't stop at the state line,
24 and it crosses and flows in our direction, so I welcome the
25 opportunity to work with the people in Michigan, to work

1 together to keep our aquifer clean and protected.

2 We can see already that the sole-source aquifer
3 designation is having some benefit, because now we,
4 together, the people who share this aquifer, have a greater
5 awareness that, by the way, we do share one thing, our
6 water source, and so it's already having an effect.

7 The City of Bryan sent mail to all the villages and
8 communities in the aquifer area at the very beginning of
9 this process. And we also included a DVD that the City
10 produced that explained what a sole-source aquifer is, why
11 we felt it was necessary, and we asked for them to please
12 help, help our project, and we didn't get any response from
13 anyone. So then we followed through and went ahead with
14 the petition. The City of Bryan hired the consultant, and
15 we mailed, again, in 2007, two very extensive mailing
16 lists, and again, received no response. So -- but I just
17 want you to know we tried to reach out. Maybe we didn't
18 use the correct means. We had a limited budget. But the
19 good thing is now we know we all share this aquifer. It's
20 our only source of drinking water, and I hope that we can
21 use the information that is in the petition to help us work
22 together to protect our groundwater. And I think many of
23 you haven't read the petition. I just want to let you
24 know, right, finally that it is available, the entire
25 petition, with all the figures, the study, the -- all the

1 research is available on our website, www.cityofbryan.net.
2 I encourage you to download it and print it and read it.
3 If you're not a computer person, it's also available in
4 many of the public libraries, but it's important to become
5 informed about the science involved.

6 MS. OSTERMEIER: Thank you. And again, my apologies
7 that I missed your name. If I missed anybody else, please
8 raise your hand.

9 MR. STEWART: My name is Doug Stewart, S-T-E-W-A-R-T.
10 I come here tonight kind of sitting on the fence. I guess
11 my main complaint was the lack of information that I had.
12 I have talked -- I am a -- I'm a supervisor for
13 Jefferson Township, which is about ten miles over the line,
14 and straight south, or north, I mean. And up until a week
15 ago, I couldn't find one person, other than Ken Kurtz, who
16 is our state representative, who I wish to thank you for
17 keeping us informed on this, I couldn't find one person,
18 either on our board, or anybody in our meetings, and as I
19 call the newspaper, they didn't know anything. Nobody knew
20 anything as of a week ago about the sole-source aquifer.
21 Now, I don't know why that is, but I do know if that
22 happened that way, somebody didn't do their job, as far as
23 informing.

24 I have a little problem with inviting the feds in.
25 They have done such a wonderful job controlling and with

1 the banking industry, and with the protecting our borders,
2 and I could go on and on about the great job that the feds
3 do when they move in. But so I'm not real anxious to --
4 to, especially these -- these -- a lot of these rules and
5 everything that we're talking about seem to be redundant,
6 as one person put it. I do know that in our -- in our
7 township, we have a state-of-the-art transfer station. And
8 we have recently, within the last few years, put in a sewer
9 system for one of our lakes in one of our townships, and
10 watch -- we watch every month the -- the -- the hoops that
11 the -- the guy that runs our sewer system has to jump
12 through, and it's amazing the regulations and everything
13 that had to be done. The millions of dollars that it cost
14 us more, because of -- of -- of protecting our groundwater.

15 I have heard tonight that -- that because you were
16 only here against this, because either you were a polluter,
17 or you intended to pollute. I don't agree. I think
18 everybody here that is against this is legitimately
19 concerned, and I'm not -- I guess I'm leaning now, as I --
20 as I come out of this meeting, I'm leaning more toward
21 being against it. At the very least, I would think that
22 the -- the EPA here, before they grant this, would answer a
23 lot of these questions that were brought up tonight, and
24 give us some -- some -- give us some more time to think
25 about it. It's existed for a million years and another six

1 months is not going to make a big difference. Thank you.

2 MS. OSTERMEIER: And our final comment of the
3 evening.

4 I'm Bob Koerner. That's spelled K-O-E-R-N-E-R, and I
5 represent Williams County Farm Bureau. And the
6 Williams County Farm Bureau represents over 700 members
7 involved in agriculture, the number one industry in Ohio,
8 and in our county. It promotes sound environmental
9 practices that are available with today's technology, and
10 is vitally interested in maintaining a safe aquifer.
11 However, we have a primary concern that the proposed
12 federal designation is not needed, or will it have any
13 practical benefit in sustaining our aquifer?

14 First, the aquifer is not endangered, nor is there any
15 reason for suspecting that the status will deteriorate with
16 current practices, that far exceed the standards during the
17 first 150 years of development in this country. The
18 sole-source aquifer designation process requires evidence
19 of financial hardship if the aquifer is lost for drinking
20 water, but it doesn't require any analytical evidence of
21 probability that a potential loss is even a remote
22 possibility. The one and a half century of agriculture and
23 multi-industrial uses in the county is compelling evidence
24 that the aquifer is not fragile, nor is it likely to lose
25 its natural protection mechanisms.

1 Second, it has not been demonstrated that the
2 sole-source designation will provide any transparent
3 procedures in water management that will better ensure a
4 safe aquifer. The Ohio EPA is already charged with the
5 responsibility of enforcing all federal EPA standards, so
6 the question is raised as to what additional standards
7 U.S. EPA will impose on a sole-source aquifer.

8 The greatest threat will be if the requirements are
9 arbitrarily assigned beyond the current limits of federal
10 or state standards. If you exceed, establishing -- if you
11 exceed established standards, the designation will create a
12 lingering obstacle through economic development in this
13 county by opposing a threat of unlimited standards for
14 which nobody can anticipate and prepare. Undisclosed
15 standards for project reviews will make future business
16 planning very uncertain and risky. One paragraph. Just
17 short.

18 Our county is struggling to attract new, viable
19 industries, and to further develop its modern agriculture
20 industry. This unnecessary federal oversight on future
21 projects will increase the cost and implementation time,
22 without clearly defining any new benefits to the aquifer.
23 We petition that you do not designate the Michindoh Aquifer
24 as a sole-source aquifer.

25 (Clapping.)

1 MR. CHABRIA: On behalf of EPA Region 5, I wanted to
2 thank all of you for your thoughtful comments, and I wanted
3 to applaud you for coming out on a -- on a Wednesday
4 evening, when you may have other things you want to do with
5 your family and friends and so forth, so I applaud you for
6 coming out and caring about the issues. And with that,
7 I'll close the public hearing for this evening. Thank you.

8 (Whereupon, the hearing was concluded at 9:47 on this
9 date.)

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF THE REPORTER

I, Angela A. O'Neill, a Registered Professional Reporter and Notary Public, hereby certify on January 13, 2010, the proceedings of the formal hearing and statements of the Michindoh Aquifer.

I further certify that I then and there reported in machine shorthand the proceedings at the said time and place; that the proceedings were then transcribed from my original shorthand notes; and that the foregoing transcript is a true and correct record thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed this seal this 18th day of January, 2010, A.D.

/s/ Angela A. O'Neill
Angela A. O'Neill, RPR
My Commission Expires: Aug. 10, 2012