

GLOSSARY of TERMS
Distributed at the 11/18/09 Bay Harbor CKD Site
Regional Stakeholder Group Meeting

Designation of Inertness

A designation pursuant to Part 115, Solid Waste Management, Rule 299.4118, Petition to Classify Waste, to designate solid waste as an inert material. An inert material defined under Part 115, Section 11504(2), means a substance that will not decompose, dissolve, or in any other way form a contaminated leachate upon contact with water, or other liquids determined by the department as likely to be found at a disposal area, percolating through the substance. A person may petition the director to classify a solid waste as an inert material by demonstrating through the application of standardized laboratory leachate tests that a material does not leachate.

Covenant Not to Sue

Part 201, Environmental Remediation, Section 20133, Redevelopment or Reuse of a Facility, set forth the conditions concerning a Covenant Not to Sue (CNTS). This section states the state may provide a person who proposes to redevelop or reuse a facility, including a vacant manufacturing or abandoned industrial facility, with a CNTS concerning liability. A covenant is a binding agreement or compact to do or keep from doing a specific thing. In this instance a binding agreement to not pursue a person as a liable party.

Contaminants of Concern

A chemical or combination of chemicals present in an environmental media (air, soil, groundwater or surface water) at a concentration that may represent a risk to the public health and the environment. In Michigan, the Part 201 generic cleanup criteria are often used to identify contaminants of concern.

Groundwater Surface Water Criteria

Use of water quality standards for hazardous substances developed under Part 31, Water Resources Protection that constitutes the generic Groundwater Surface Water Criteria (GSIC) pursuant to Part 201.

Rule 716(17)

Part 201, Environmental Remediation, Rule 716(17) allows a person to appeal to the director for resolution of the GSIC when the GSIC cannot be achieved provided the person has controlled the source of the groundwater contamination and has demonstrated that compliance with a GSI criterion developed under this rule is unachievable.

Mixing Zone Request

A provision pursuant to Part 201, Rule 716, allows a person to request a mixing zone determination as part of a response activity. The development of a mixing zone determination takes into consideration the site specific factors such as the hazardous substances present, their concentration, the rate of discharge to the surface water body, the characteristics of the receiving surface water body and the surface water body use. Using this information the mixing zone determination establishes acceptable concentrations of a hazardous substance to vent or discharge to a particular surface water body at concentrations greater than generic GSIC. Mixing zones are not allowed for bioaccumulative contaminants venting to surface water or hazardous substances that represent an acute hazard.

IRLCS Effectiveness

The extent to which interim response measures (beach collection trenches, targeted leachate extraction, capping, slurry walls, and CKD removal/consolidation) implemented to date have resulted in reduction of elevated pH levels to or below Michigan's water quality standard of 9.0 standard units along the site's 7000 feet of affected shoreline.

This is measured by conducting monthly pH surveys along impacted shore areas

Data Gap (Mercury Flux, Monitoring Well, etc.)

EPA/MDEQ identification of information necessary to complete characterization or understanding of particular components of the remedial investigation. In the case of mercury flux, data gaps are represented as areas along the shore(vertically or horizontally) where mercury concentrations have to be measured in order to allow confidence in understanding how much mercury continues to be released to the lake. To "fill" the data gap, wells must be installed at specific locations and depth to allow these measurements

Administrative Order on Consent (AOC)

A legally binding and enforceable agreement – in this case between USEPA and CMS, *et al* which requires that certain "work" be performed pursuant to federal law. The work must be performed in accordance with all terms of the agreement and is subject to the oversight and direction by the USEPA On-Scene Coordinator or Remedial Project Manager. This document governs all activity associated with the LTB CKD project