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City Newsletter

September 2004 Special Edition

Contaminated Water Notice

In August 2004 the Utah State Department of Water Quality sent out notices to all Mapleton Citizen's regarding the damage claim against Ensign-Bickford (Trojan Plant) and their proposals for the cleanup of the contaminated water. The Corrective Action Plan (C.A.P.) contained an overview of Ensign-Bickford Company (EBCo) **proposals to clean up and settle** the State's claim for damages to groundwater resulting from activities at the Trojan facility in Spanish Fork, Utah. The Utah Division of Water Quality and representatives of Ensign-Bickford held a Public Open House on September 2, 2004. In the September 2004 Newsletter Mayor Allan encouraged all residents to attend. Only a few citizens came out to the Open House to gather information and express their views on this contaminated water situation.

Because of the importance of this matter, Mapleton City is publishing the full text of our formal response to the Utah Department of Environmental Quality, NRD Trustee. **The City does not want to accept Ensign Bickford's clean up proposals for remediation of our contaminated water supply. We need residents to support the City in persuading the Department of Environmental Quality** in obtaining a proper and meaningful commitment from Ensign-Bickford to meet their full obligations to properly mitigate the damage inflicted on the City's water supply. This is a serious issue that needs each Citizen's involvement in writing to the Utah Department of Environmental Quality, NRD Trustee. The **DEADLINE** for all Public Comment is Thursday, September 24, 2004. Contact information is listed below:

By Mail: Utah Department of Environmental Quality – NRD Trustee
Dianne R. Nielson, Ph.D.
NRD Trustee/DEQ Executive Director
PO Box 144810
Salt Lake City, UT 84114-4810
By Telephone: (801) 536-4402
By Email: nrdtrustee@utah.gov

MAPLETON CITY RESPONSE TO STATE OF UTAH PROPOSED SETTLEMENT WITH ENSIGN-BICKFORD (TROJAN PLANT)

The City of Mapleton submits this brief response to the proposed settlement agreement between the state of Utah and Ensign-Bickford and other related entities.

The City believes the proposed Agreement falls woefully short in **restoring the Mapleton aquifer** to the condition it was in prior to EBCo's contamination of the aquifer; it falls woefully short in **protecting the citizens of Mapleton**, who also happen to be citizens of the State of Utah; it falls woefully short with regard to **imposing a reasonable penalty** against EBCo to defer further contamination in the future; and it falls woefully short in that the plan as presently set forth in the **Corrective Action Plan appears to contribute to drawing the contaminated plume northward toward Mapleton Well #1.**

First, the proposed Agreement with EBCo does not require EBCo to restore the aquifer to the condition it was before EBCo contaminated the aquifer. The Agreement only requires that EBCo's treatment of the water bring pollution levels down to an arbitrary standard of some number of micrograms per liter. Very little is known about some of the contaminants in Mapleton's aquifer and it is essentially guess work as to how much of the contaminate over time will have an adverse effect on the health of the citizens of Mapleton. The State of Utah should, and could, require EBCo to establish testing methodologies that can bring the pollution levels down to a micrograms per liter amount that is as low as it is currently possible to detect. EBCo would probably say that such a requirement is too costly. What about the unknown risks that each Mapleton citizen is taking as a result of any of EBCo's contaminants remaining in its drinking water? Why should Mapleton's citizens take the health risk, instead of EBCo paying the bill to clean it up, whatever the cost?

Second, the breakdown products of RDX, HMX, TNT, etc., can be significantly more toxic than the original chemicals. Has the

State required EBCo to test for any of these breakdown chemicals? If so, which ones? If not, why not? Again, EBCo will say it is too costly. Why isn't the State saying, the risk of loss of life to Mapleton citizen's is simply too costly to not do such tests? The State's "handout" for this "Open House" states that "a study was conducted in the late 1990's on the theoretical breakdown products of RDX. None was detected." Who did the test? Where are the results? Why not do it for the other contaminants? The State continues in its handout that nevertheless, the current treatment facilities have the ability to remove breakdown products, – Specifically, what breakdown products are being referred to? While it is possible that there are no breakdown projects in the aquifer, no one knows for sure. To the best of the City's knowledge, the State has not required EBCo to develop testing methodologies and/or use any already existing methodologies to test for breakdown projects and EBCo has most likely not volunteered to do so. Again, EBCo's response would probably be that it is simply too costly. Again, Mapleton's question is, why should Mapleton citizen's take the risk of bad health or even death, when they did nothing to contaminate the aquifer? This Agreement should be about holding the responsible parties responsible.

Third, the State may actually be contributing to the migration of the contamination plume by allowing this Agreement to be signed "as is." The City has recently discovered a May 23, 1997 *Ground Water Modeling Report*, created by Environmental Resource Management ("ERM"). ERM is an environmental consulting firm used by the EBCo group to do groundwater modeling of the underground contaminants in the Mapleton aquifer. At page 15 of the report that is in the City's possession, it states that "**it is not necessary to operate the Mapleton Well No. 1 for the purpose of intercepting and preventing the nitrate/RDX plume from migrating further north. On the contrary, continuous operation of Mapleton Well No. 1 will spread the contamination by encouraging a nitrate/RDX plume to migrate towards Mapleton Well No. 1.**"(emphasis added) It is almost beyond comprehension as to how the State could allow EBCo to do that which EBCo's own experts were telling them they should not do. For years now the Mapleton Well No. 1 has been pumped on a full-time basis and, in fact, the pumping may actually be drawing the contaminate plume further north. How could this happen? The State tells us how it happened in the Addendum To Stipulation And Consent Order, which is part of the Agreement, by acknowledging that "this approval is based primarily on information provided by EBCo." That is the heart of the problem. The fox has not only been guarding the chicken coop, he is telling the farmer which chickens stay in the coop and which ones the fox gets to take home for dinner.

Fourth, the State has failed to expedite the cleanup processes at the EBCo site, so we now have the situation where the EBCo soil is saturated with toxic chemicals and they continue to leach into the aquifer. Why hasn't the State sought to expedite the remediation and cleanup of the aquifer and the site? Again, the fox is guarding the chicken coop and he simply tells the farmer that everything is "o.k." The Agreement does not even require any of the entities in the EBCo group to admit to liability for contaminating the Mapleton aquifer, even though everyone and their brother knows that the source of the chemical contamination is the EBCo site.

Finally, the monetary provisions of the proposed Agreement are mind-boggling in their paucity. Proposed fines for non-compliance are \$250 a day and "penalties" of \$500 a day. Has the State required EBCo to provide them with the amount of money they have made off of the backs of Mapleton's citizens' health? The EBCo group could pay fines of \$250 a day and \$500 a day penalties out of their lawyer's pocket money. How about fines of \$25,000.00 a day and penalties of \$50,000.00 per penalty? With regard to the \$9,375,000.00 that the State and EBCo say will be paid by EBCo to complete the work under the Corrective Action Plan ("CAP"), the question should be asked, Who else should have to pay it? EBCo made the mess; of course they should have to pay the costs to clean it up. The State and EBCo appear to estimate a 20 year clean up period. Is there any evidence from anywhere, which indicates a toxic underground plume like Mapleton's that has ever successfully been cleaned within a 20 year period? To the City's knowledge, it has never happened. Again, the 20 year estimate is probably information "primarily provided by EBCo" or, in other words, it comes from the fox's database. Finally, the State and EBCo agree that EBCo will put \$2,580,000.00 in a Trust fund to be used only for projects to remediate the Mapleton aquifer and/or for projects related to the aquifer. However, there is a three-year clause that says unless EBCo agrees to any proposed project, within the first three years, that the project cannot even be considered by the State. It is the City's position that the three year clause is a punitive provision, directed toward the City, required by EBCo, and agreed to by the State. EBCo discussed this exact same settlement with the City months ago, and when the City would not agree to it, counsel for EBCo told the City's counsel that EBCo would do all that it could prevent the City from using the money held in trust by the State. Not only is the fox guarding the chicken coop, it appears he has taken over the farm.

The City proposes that the public comment period be extended indefinitely until the questions raised in this response, as well as other technical and procedural questions relating to the CAP can be addressed thoroughly and the citizens of Mapleton can be assured that all that can be done, has been done. While the State has repeatedly told the City that it has no legal obligation to protect the citizens of Mapleton from polluters, the City of Mapleton would hope that the State, i.e., a group of Utah citizens, would feel a moral obligation to do the best that can be done to clean the aquifer and hold those who contaminated it to the highest standards in cleaning it up. Up to this point, the City has not seen that kind of conduct from the State. We expect none from EBCo.

Citizen participation at the Public Hearing Open House was approximately 40, which was a disappointing turnout for such a major life threatening issue. Your views are of great importance. In order to influence the Utah State Department, the City needs your support. We cannot afford to let this apathy be interpreted as Mapleton's level of concern on this threat to Community health. Please take advantage of the remaining period of time to make your views known to the Utah Department of Environmental Quality, NRD Trustee about our increasing concerns about Ensign-Bickford's work this would have the same impact as attendance at the Public Meeting held on September 2, 2004.

Mapleton's legal representative, Attorney Doug Thayer, is willing to review all written comments if you would be kind enough to forward your views on to Bob Bradshaw, City Administrator, at 35 East Maple Street.

Health Department's Views and Grace Huffaker's Comments:

Our County Health Director, Dr. Miner, remains neutral about the incident of cancer sufferers in Mapleton, relying on a statistical analysis provided by the local hospitals. Dr. Miner's approach is difficult to reconcile when Mapleton considers our own information that shows an exceptionally high incidence of deaths or illnesses that are cancer related, and concentrated in a small area of town, as provided by Grace Huffaker below:

1. Ingrid Nemelka resides at 1310 East 1600 South, formerly lived at 1255 South 1000 East – Suffers from rare seizures and strokes caused from toxicity in her blood. She drank from private well water for years, and lived across the street from Haines, Bates, and the Peterson families.
2. Stacy Broadbent, daughter of Philip and B.J. Broadbent, who is now in her 20's resided at 1306 East 1600 South - Victim of leukemia when she was six years old.
3. Sandra Haines, daughter of Lawrence and Priscilla Haines – Victim of severe seizures and heart palpitations. Grew up in Mapleton at the family home located at 1000 South 1000 East. Private well contaminated by Trojan.
4. Charles Bates resided at 1120 South 1000 East – Died of lymphoma cancer. Lived next door to Haines family. Also used a private well, which was contaminated with nitrates and explosives.
5. Marilyn Peterson resided at 1350 South 1000 East – Died of lymphoma cancer on August 30, 2004. Lived next to Charles Bates, who died of the same type of lymphoma cancer.
6. Matthew Bateman, son of Lynn and Joan Bateman who is now in his 20's - Born severely handicapped mentally and physically. Lives ½ a block away from Stacy Broadbent.
7. Lindsey Ashton, son of Larry and Joan Ashton, resides at 680 East 1600 South, and is now in his 20's – Born severely mentally handicapped – Down Syndrome.
8. Bills daughter, sister of Mac Bills, resided at 351 East 1600 South – Died of cancer last year.
9. Glenn Allman, resided at 560 East 1600 South – Died of lymphoma cancer. Poisoned city well directly behind his home.
10. Robert Hurst, husband of Bernita Hurst, resided on the corner of 1600 South and Main (1574 South Main) – Died of brain tumor and cancer.
11. John Taylor, young husband of Marylin Taylor, now Marylin Stirling, resided at 1468 South Main Street – Died of brain tumor in his 30's.
12. Ford Daughter, daughter of Carolyn Ford, resided at 1800 South Main Street – Born with Down Syndrome.
13. Howard Ruff, formerly resided at 2001 South Main Street – Cancer.
14. Kent Stephens, formerly resided at 2105 South Main – Contaminated private well water, lived next door to Howard Ruff.
15. Myrna Casper, wife of Dick Casper, resided at 1968 South Main Street. – Died of cancer. Lived across the street from Stephens' and Ruff's.
16. Karen Long, resides at 15 West 1600 South – Recently operated on for a brain tumor. Lives across the street from Hurst and Taylor homes, both victims of brain tumors.
17. Earl Nielsen, husband of Dolores Nielsen, resided at 684 South Main – Died of cancer.

If you know of any other cancer sufferers who live, or have lived, in Mapleton, please share this information with the City Administrator, Bob Bradshaw, 35 East Maple Street.

***The drinking water currently being supplied to residents throughout the City is NOT affected.
The drinking water is provided from Maple Canyon, Seal Well and the Carnisecca Well.***

Contact Numbers

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| Mayor: | 489-5655 | Library: | 489-4833 |
| City Council: | 489-5655 | Public Works: | 489-6253 |
| City Administration: | 489-5655 | Emergency: | 911 |
| Planning & Zoning: | 489-6138 | Dispatch Police, | |
| Building Inspection: | 489-6138 | Fire, Ambulance: | 851-4100 |
| Court: | 489-7445 | Non-emergency: | 491-8048 |
| Recreation: | 489-7752 | Newsletter: | 489-6138 |

The Mapleton City Newsletter can be viewed at our website up to three days prior to receiving it in the mail at www.mapleton.org.



Mapleton City Corporation
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Mapleton, UT 84664

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