From:	Lyons, John
To:	Barton, Dana; Wetmore, Cynthia
Cc:	MARTINEZ, YARISSA; Jolish, Taly
Bcc:	Manzanilla, Enrique
Subject:	More on pCBSA and Michigan
Date:	Tuesday, December 23, 2014 2:50:00 PM

From Vic Sher's website

John Lyons
Acting Assistant Director
Site Cleanup Branch
Superfund Division, Region 9
(415) 972-3889

City of St Louis (MI) v Velsicol Corp.

St. Louis, Michigan – the "Middle of the Mitten" – is a picturesque rural town with approximately 5,000 residents. The City owns and operates a public drinking water system that provides drinking water to residents, businesses, and government facilities in St. Louis and two neighboring communities, Bethany and Pine River Townships. For more than forty years, the old Michigan Chemical plant in St. Louis, owned and operated by Velsicol and other companies at various times, manufactured DDT and other dangerous chemicals. Velsicol disposed of these chemicals at the plant site and other sites in and around St. Louis by burying, burning, or injecting the waste directly into the ground. Not surprisingly, extensive contamination of the subsurface resulted. Under federal and state compulsion Velsicol built a containment system in the early 1980s, but it failed, and the USEPA verified that chemicals still are leaking from the contaminated sites.

In 2005 the City learned from the USEPA and the Michigan Department of Environmental Quality of the presence of a byproduct of DDT manufacture, para-Chlorobenzene Sulfonic Acid (pCBSA) in extremely high concentrations in monitoring wells and in lesser concentrations in several of the City's drinking water wells. Indeed, while the lawsuit was pending pCBSA appeared in every City well. Because pCBSA is almost unique to St. Louis (it has only appeared at one other site in California, which did not involve drinking water) no comprehensive or definitive studies on its health risks exist. The City's experts, however, believed those risks to be substantial. And, because pCBSA travels through groundwater more quickly than other dangerous chemicals associated with the Velsicol plant, other dangerous chemicals associated with Velsicol's operations will likely follow the pCBSA.

In 2006 the City retained Vic Sher and his firm to pursue Velsicol and other responsible entities to recover funds for a replacement water system. In early 2011 they obtained a settlement of $26.5 million. Today, the City is in the process of putting in place a replacement water system.