

Alba well case postponed

By LINDA GALLAGHER

BELLAIRE-13th Circuit Court Judge Thomas G. Power will not make a ruling regarding the validity of a lawsuit against the drilling of a deep injection well in Star Township until late January, the Antrim County Clerk's office said last week.

Power adjourned announcing his decision, which had been scheduled for Tuesday, December 16, after plaintiffs in the case, which includes Antrim County, Star Township, Friends of the Jordan River Watershed and several owners of the mineral rights on the proposed well site near Alba, filed a motion requesting additional briefing, meaning more time, on Friday, December 12.

Arguments regarding the merit of such a lawsuit, initially filed on October 30 against the Beeland Group, LLC, a subsidiary of CMS Energy which was granted DEQ and EPA permits for the in-

jection well permit almost a year ago, began on December 11.

The lawsuit was undertaken after appeals to both the DEQ and EPA were denied last summer.

If allowed, the well would store up to 1 million gallons a week of waste water contaminated with toxic cement kiln dust trucked to the site five miles east of Alba from what is now the posh Bay Harbor development along Little Traverse Bay south of Petoskey. A former partner in the development, CMS was tasked with clean up of the area several years ago.

Although it was originally thought that the December 11 matter would be decided in a relatively short amount of time, due to the lack of testimony required, Power questioned attorneys for more than four hours during the preliminary hearing.

The plaintiffs, represented by well-known Gaylord environmental attorney Susan Hlywa

Topp are requesting that the court issue a preliminary injunction restricting Beeland from moving forward with any construction or drilling on the proposed site; issue a permanent injunction following all court proceedings; and award costs, damages and expert witness and attorney fees to them.

Beeland, represented by Joseph Quandt, an attorney for a Traverse City firm, had filed a motion asking for "summary disposition"- dismissal of the case due to lack of validity, and for "failure to join necessary parties", citing the defendants' belief that the Michigan Department of Environmental Quality should also be included as a defendant in the case, since both federal and state permits for the well were granted through that agency.

The hearing will re-convene at 9:30 a.m. on the 29th in the Antrim County Courthouse.