

**Saginaw Tittabawassee Rivers Contamination CAG
Summary of Full CAG Meeting
Saginaw Valley State University - Curtiss Hall
Monday, October 18, 2010, 6:00 PM – 9:00 PM**

CAG Members, and Ex-Officio Members Present

Charles Curtiss
Michael Espinoza
Leonard Heinzman
Deborah Huntley
Ryan Jankoska
Michael Kelly
Judith Lincoln
David Meyer
Annette Rummel
Joel Tanner
Paul Vasold
William Webber

Ex-Officio Members Present

Joe Haas, US FWS
Mary Logan, US EPA
Al Taylor, Michigan DNRE

Ex-Officio Members Present

Todd Konechne, Dow Chemical

CAG Members Absent

Drummond Black
Ronald Campbell
Wendy Kanar
Janet McGuire
Laura Ogar
Daniel Sosa
Michelle Steele

Support and Agency Staff Present:

Blair Giesken, CAG Volunteer Transcriptionist
Cheryl Howe, DNRE
Patti Krause, US EPA
Janelle Pistro, Dow Chemical
Diane Russell, US EPA
Doug Sarno, Facilitator

Doug Sarno called the meeting to order at 6:04 PM. Agenda items Included:

1. Tittabawassee River Agricultural Land Use Survey
2. Updates and Administration
3. Feedback on CAG Input from September Meeting
4. Background Information on Segment 1
5. CAG Meeting Schedule

1. Tittabawassee River Agricultural Land Use Survey

John P. Buchweitz, Michigan Department of Agriculture, provided an overview of the survey. A topographical map of the Tittabawassee River was created using the 100 year floodplain contour using Google Earth and Photoshop to manipulate and estimate data. Buchweitz drove the river to identify the crops predominant in certain segments along the floodplain. Buchweitz noted that he hopes to continue providing similar updates and graphics regarding agricultural usage. In response to questions, the following information was provided:

- The crops in these areas do not tend to absorb the chemicals in question, but these chemicals can accumulate on these crops as dust.
- With regard to a property with grazing sheep, Buchweitz noted that he would request that the farm owner have a consultation with the Department of Agriculture and that he, personally, would suggest that such animals not go to market, as they may be grazing on contaminated land.
- Al Taylor, DNRE, noted that in conjunction with the Department of Agriculture they have sampled some crops from contaminated land areas and that accumulations of Dioxin and Furans were first brought to our attention in free-range chickens and other animals.
- Al noted that there have also been both fish and animal advisories in place for 5 or more years now, and that he is glad to see from Buchweitz's study that very few animals are grazing and being raised along the floodplain.
- Buchweitz noted that there are guidelines currently available for the raising and consumption of livestock.
- Buchweitz noted that he is not aware of a direct causation study that would directly link dioxin with animal uptake.
- One CAG member suggested buying some sheep to test the levels of contamination and possible health effects.
- Other than the small group of sheep mentioned, there are no other known animals being raised along the floodplain that are used for consumption, and very few of the crops found along the plain raise concern as would crops grown in the soil, like radishes, potatoes, etc.

Upon further questions regarding health effects from Dioxin, Doug Sarno reminded the group that it is not the CAG's role to debate the health effects of dioxin as the need for cleanup has already been determined. Buchweitz also noted that we are unlikely to see an immediate health effect from Dioxin as its effects are long term. The dioxin guidance

documents developed in 2003 provide important guidance in reducing exposure. Mary Logan noted that risk is not an “on” or “off” light switch, but rather a continuum.

2. Updates and Administration

Logan proposed that the EPA work with the CAG leadership team to identify topics that should be explored with the CAG and the community to make everyone better informed. The CAG will also be notified any time experts in the field are speaking or presenting on Dioxin related issues in the region. The CAG will consider these informational needs in planning its 2011 workplan.

It was requested the September summary be reworded to say “Many residents along the river are concerned about preserving trees & vegetation,” rather than saying that some residents are more concerned about trees and vegetation than others. It was also asked that the summary note that several CAG members have requested additional information from experts in the form of a debate or some type of public, open forum.

Wendy Kanar discussed filling the gaps CAG Membership resulting from three recent resignations. The leadership group noted that they have not yet received any new applications, but that they have a few potential candidates who may be interested. Doug noted that the environmentalist voice is one that may be strongly lacking at this point, following the resignation by two members who were strong stakeholders in that group. Deb Huntley proposed that the Leadership Team review applications as they arrive and make recommendations to the full CAG on how to proceed forward. The CAG agreed that this was acceptable.

It was asked if an exit interview or some other method should be used as members leave. It appears that some members are stepping down from the CAG for reasons other than time commitment. Doug noted that Carol Chisolm sent a detailed message with her resignation from the CAG yesterday, which he will share with the group. The Leadership Team noted that they are talking to each member as they leave.

Dave Meyer noted that initially he suggested that the group organize as a tax-exempt Non-Profit Organization, but has also been exploring a Limited Liability Corporation as a simpler option. Dave presented the group with documents to serve as Articles of Incorporation and noted that the group would also need an Operating Agreement to follow, which would take more time to develop. He noted that the LLC could be set up to have provisions for decision-making procedures. Dave noted that that an attorney drafting an Operating Agreement that is very general could be somewhat quick and not terribly expensive, but that the CAG does not have funds for this purpose. Also, if the CAG chose to go more in depth, the Operating Agreement would be more expensive to prepare. Mary Logan noted that, as the leadership team requested, the TAP funding might be able to provide up to \$5,000 for CAG organization and incorporation. Janelle Pistro noted that Dow will be making a formal response to the CAG in regard to this issue in the very near future.

Mary Logan reminded the CAG that there are two models typically used for TAP funding. One where the group acts as a “middleman” directing where the funds go rather than actually holding the money directly, and a second where the group incorporates formally and manages the money as a CAG. Dave Meyer made the suggestion that the CAG organize as a Non-Profit Organization if, for nothing else, for the ease of public recognition of the organization. Concern was expressed regarding the need to elect a board of directors and officers, creating potentially unnecessary tiers or levels of participation within the organization. An LLC would provide an ease of adding/deleting members, and changing leadership structure. Wendy Kanar noted we understand the need to structure and formalize the CAG as an organization, but that we are not completely sure at this point which will fit the organization better and that we might be well-served to listen to an expert. It was agreed to leave this decision to the Legal Committee of the CAG, and direct them to choose the cheapest, quickest, and most suitable option for moving forward. It was also noted that the public perception of the organization as a non-profit may be important.

3. Feedback on CAG Input from September Meeting

Based on the conversations in September, Mary Logan noted that the EPA understands that they need to do a better job clarifying the purpose and thinking behind the actions being taken during cleanup. The EPA also understands that the CAG would like cost-effectiveness and public benefits of actions explained in more detail.

The proposed actions to reduce exposure at high use residential properties are scheduled to go out for public comment. Mary Logan identified two options to the CAG: to go out as scheduled in early to Mid-December to the public with a proposal, or to wait until early to mid January. She noted that the timing of public input would not affect the ultimate implementation of remedies. Mary asked the CAG if it would harm the EPA’s credibility to move the release and comment period into early January. While later than expected, this would avoid the holidays and allow more time to speak with residents along the river and get their feedback.

It was asked if EPA could still meet the initial December deadline and just extend the comment period and Mary Logan responded that yes, this is another option. Mary noted that the issue is one of making sure that the people who are directly affected (living on the river on contaminated properties) are able to be deliberately and directly approached and asked for their input.

It was asked how the EPA plans to approach these residents. Mary Logan noted that this has been done through inspections of the property and also by phone and in person to gather feedback and opinions. Mary noted that they would want to revisit residents whose properties have already been assessed. It was asked if the EPA has a good handle on how many property owners simply don’t want any assessment or remediation and therefore are not responding. Mary Logan noted that the EPA will continue to encourage non-responders to consider the lost benefits of refusing to allow assessments and/or remediation of their properties.

4. Background Information on Segment 1

Mary reminded the CAG that the project is divided into eight segments from upstream to downstream, each segment measuring 3 to 5 miles long. Segment 1 includes Reaches A through H, and includes the Dow industrial operations on both sides of the river. Manufacturing operations have occurred here since the 1890s. Contaminated sediment deposits occurred here due to historic releases from direct discharge, surface water runoff, and groundwater. Waste management systems and source controls now protect the river so that additional unacceptable releases to the river are prevented. The source controls put into place over the years include the Waste Water Treatment Plant, Incinerator, Storm Water Management, T-Pond Treatment, and Ground Water Collection Systems (RGIS).

Major remedial actions have already been completed in portions of Segment 1 including excavation of bank soil and debris, dredging of sediments and debris, and sediment capping.

Mary Logan noted that work was done to identify outfalls along the river; ongoing investigations have also gone on to determine sediment stability. "Outfalls" are a specific source feeding into the river, such as a physical pipe or a natural drain or ditch. Bathymetry (SONAR used to determine the depth of the sediment surface) has been used to help understand the river bottom. Mary noted that they can compare these readings from year to year to see how sediment is actually moving within the river and how much sediment builds up or erodes during a time period at a given location. Al Taylor noted that as we move along to other segments, we will also have to make decisions about affected floodplain areas.

Six chemical groups have been identified as key drivers within Segment 1. Dioxins and Furans in Segment 1 were largely addressed by the actions in Reaches B and D. Contamination is not spread evenly (generally located near older outfalls). Surface contamination in these areas have shown to harm small invertebrates that live on the river bottom. Additional ongoing studies include reviews of small invertebrates ("bugs") that live on the river bottom, and the bioaccumulation of contamination in fish.

Cleanup options may include monitored natural recovery, removal, in-place isolation, treatment, or a combination of these.

Mary noted that Dow is currently preparing a report that will summarize investigation activities, identify technologies that are effective and implementable, and provide an analysis of the alternative cleanup options.

This report should be presented to the CAG in late 2010/early 2011 with public comment period and CAG involvement in Spring 2011. Remedy selection is anticipated in Summer 2011, design in Fall/Winter 2011, and cleanup to start in 2012.

It was asked whether they have witnessed any successes or failure at Segment 1 from the actions to date that can be used to inform future actions. Mary noted that we have no indication that failure is occurring at any of the actions in Segment 1. We are still awaiting chemistry data from the caps, but the EPA anticipates that they have been effective.

5. CAG Meeting Schedule

It was decided that the CAG would not meet in December and use the scheduled January 17 date as a retreat to deal with internal issues related to the CAG such as membership terms, electing leaders, assessment of the direction of the group, discussion of meeting days/times, and a plan for the upcoming year.

6. Public Comment

A public member asked how we could create a more positive attitude among the community. There is a great deal of animosity created within the community by a lack of knowledge and the perception of conflict between the government, the CAG, and Dow. Time is a factor for a number of people and we need to communicate how these remedies and actions are working. A CAG member noted that we should show things like before and after cleanup pictures to restore public confidence. Another CAG member noted that the communications group within the CAG needs to be reformulated to make sure the CAG is effective in communicating with the community. The local EPA staff in the Saginaw office is the first best contact for the public, and are making many efforts to reach out to the community.

Al Taylor noted that the project has engaged the Miss Dig service within the last few months to help raise awareness for those who would dig on floodplain properties. It is recognized that a press release is needed on this. Dow also noted that a letter will go out explaining that potential Dioxin contamination could occur when handling soil, and a brochure regarding how to control exposure will be distributed.

A CAG member noted that many property owners on the floodplain fear how disclosure of information about potential contamination on their property will affect their property sale. Mary Logan noted that individuals can direct questions to the EPA and DNRE Project Managers regarding property sale and disclosure laws and rights involved. Al Taylor noted that they are interested in better informing the public about liability issues related to the purchase of contaminated properties and that they are looking to provide a level of comfort and assistance to buyers and sellers on contaminated properties.

The meeting was adjourned at 8:48 PM.