

**Saginaw Tittabawassee Rivers Contamination CAG  
Summary of Full CAG Meeting  
Saginaw Valley State University - Curtiss Hall  
Monday, April 19, 2010, 6:15 PM – 9:00 PM**

**CAG Members, and Ex-Officio Members Present**

Drummond Black  
Carol Chisholm  
Charles Curtiss  
Leonard Heinzman  
Deborah Huntley  
Michelle Hurd-Riddick  
Michael Kelly  
Judith Lincoln  
David Meyer  
Janet McGuire  
Annette Rummel  
Joel Tanner  
Paul Vasold  
William Webber

**Ex-Officio Members Present**

Todd Konechne, Dow Chemical  
Mary Logan, US EPA  
Al Taylor, Michigan DNRE

**CAG Members Absent**

Ronald Campbell  
Michael Espinoza  
Ryan Jankoska  
Lametria Johnson-Eaddy  
Wendy Kanar  
Laura Ogar  
Daniel Sosa  
Michelle Steele

**Ex-Officio Members Absent:**

Joe Haas, US FWS

**Support and Agency Staff Present:**

Don DeBlasio, US EPA  
Jeff Kelley, US EPA  
Diane Russell, US EPA  
Trisha Confer, DNRE  
Cheryl Howe, DNRE  
Doug Sarno, Facilitator

Doug Sarno called the Meeting to order at 6:15 PM. He provided a review of the agenda and introduced speakers. CAG members reintroduced themselves.

Agenda items included the following:

1. CAG Name
2. Draft Values Committee Statement
3. Leadership Committee
4. Presentations on Exposure Control Actions to date
5. Presentation on Cleanup Project Task 1
6. Community Technical Assistance Program

## **1. CAG Name**

A general discussion was conducted to review attributes of a formal name for the CAG. Key points included the following:

- Dow should not be mentioned in the name as the CAG does not report to Dow and is not sponsored by Dow.
- A geographic reference is important, but broad names like Tri-counties are used in many other geographical areas and would not provide a specific enough reference. It was determined that a more specific reference was warranted.
- Significant discussion was had as to whether Dioxin should be included in the name. The site has long been identified with dioxin, but there was disagreement over whether this reference was appropriate or important, especially since the contamination was broader than dioxin. In the end there was strong support on both sides, and it was agreed that “contamination” was an acceptable term.
- It was decided that the CAG should be named the “Saginaw-Tittabawassee Rivers Contamination CAG.”

## **2. Draft Community Values Statement**

The values committee presented a draft statement of shared community values prepared based on input from CAG members at the February retreat. Overall, CAG members commended the work of the committee and were pleased with the first draft. Specific additional comments included the following:

- The statement should strongly reflect the overall sense of the community to “get this thing done” and this should be included in the preamble.
- Under “economic and community benefits”, it was questioned how promoting economic growth is related to CAG. It was noted that cleanup choices may effect long-term economic growth and that this is a broad statement of community values. It was noted that it is import for the CAG to consider the big picture in its deliberations.
- Under “environmental protection and restoration”, it was noted that the first and fifth bullet were possibly redundant.

CAG members were asked to provide any further comments by email within a week so that the committee could complete its work and provide a final version for consideration by the CAG at the May meeting.

### **3. Leadership Committee**

The committee reviewed a draft statement of co-chair roles and responsibilities include running meetings, setting agendas, coordinating output, coordinating technical support, and interfacing with the media. The committee suggested an interim leadership team be appointed for a period of three to six months until such time as the CAG was comfortable selecting formal co-chairs. Highlights of the discussion included the following:

- There was general agreement that the co-chair roles outlined by committee were appropriate.
- CAG members agreed that Judi Lincoln, Wendy Kanar, and Deborah Huntley would serve as the interim leadership team and thanked them for their willingness to serve.
- The interim leadership team will determine an appropriate time and method for selection of co-chairs in the future.
- The interim leadership team will work with Doug Sarno to coordinate the integration of co-chair and facilitator roles.

It was asked whether it would be possible to get paper copies of the presentation slides. It was noted that copies were not being provided in order to reduce paper usage but that all materials are posted on the EPA web site and would also be posted on the vSpace account before meeting so CAG members could bring copies if they wish. Staff will also bring a limited number of copies in the future. Copies of handouts from the March meeting were also available for those who missed that meeting.

### **4. Risk and Exposure Control Presentations**

Mary Logan, EPA Remedial Project Manager, provided an introduction to exposure control and risk that covered the following topics.

- Potential environmental risk depends on three key elements
  - How much of a certain chemical is present in environmental medium such as air, soil or sediment,
  - How much contact (exposure) a person or ecological receptor has to the chemical, and
  - How hazardous (dangerous) the chemical is to humans.
- Exposure control is extremely important in reducing risk because it will control how much of the contaminant comes into contact with humans or environmental receptors.

- A “worst-first” exposure control is often used at waste sites to address the highest potential risks as soon as possible, and this is an approach that has been used here.

Al Taylor and Cheryl Howe, Michigan Department of Natural Resources and the Environment, provided a presentation on interim remedial actions taken by Dow through its contractors in order to limit exposure while awaiting the final remedy. Highlights of the presentation included the following.

- Properties were classified into two categories:
  - Priority 1 (P1) properties were in residential use where waters of the March 2004 flood event inundated around the property, 350 eligible residences were in the P1 category,
  - Property 2 (P2) properties are those residential properties that did not fall under priority 1 and included 532 eligible residences,
  - Every effort was made to contact homeowners and encourage them to have mitigation conducted, not all homeowners responded or agreed to have the work conducted.
- Mitigation activities included the indoor cleaning of carpet, hard surfaces, and heating systems and outdoor removal of surface soils with replacement of lawns and landscaping.
- Most work was conducted between 2001 and 2006.
- After new flooding events, Dow contractors address any damage to previous mitigation activities and provide appropriate response.
- Some P1 and P2 Properties may need to be re-evaluated as more data becomes available and will be considered as part of EPA/DNREs Task 1 evaluations.
- Other work under IRAs included Community Information Centers, Advisory warning signage in parks and high-use public areas
- Addition voluntary IRA activities conducted by Dow on public lands include river bank stabilization, decking projects, hand wash stations, wood chips on pathways, asphalt/concrete walking paths, soil replacement/reseeding, concrete staging pad and dog play area at Immerman Park.
- IRA activities will continue under the administrative order on consent even as final remediation activities proceed.

Key Questions and answers related to this presentation included:

- Regarding recontamination, it was noted that there continues to be contamination in the river sediments and these sediments are deposited in the floodplains during major flood events.
- Regarding testing, it was noted that quite a bit of testing since has been conducted since 2005 by DNRE and EPA, with the majority conducted by Dow.
- The additional sampling has identified other areas that require evaluation, however all flooded residential properties were assumed to be contaminated during the initial IRAs.
- The toxicity of dioxin was questioned, EPA responded that while they continue to refine the science and expand their knowledge, there is no question about

dioxin's toxic effects on humans and is committed to protecting human health and the environment.

- It was noted that the cleanup project is moving forward and the CAG will not revisit the question of "whether" dioxin should be removed, but will work to understand the nature and extent of toxicity as important information in its deliberations and recommendations.
- The cost-effectiveness of carpet cleaning and wall cleaning was questioned, and it was noted that interior contamination was tracked into houses and can present a major exposure risk.
- A CAG member commented that if the cleaning program continues, sampling would be useful to understand before and after conditions. DNRE noted that as the project moves forward additional data may be necessary and will make those decisions based on the future conditions.

Todd Konechne, Dow Chemical Clean Up Project Leader, provided a presentation on removal actions taken by Dow for projects EU001 and EU002, and provided a wide range of photographs to demonstrate the work that was conducted.

Removal work for project EU001 was conducted between August and November 2008 on a number of residential properties and included the following activities:

- Soil removal/replacement from around homes and adjacent properties,
- Gravel removal from roads and driveways, and replacement with asphalt,
- Installation of a marker layer beneath clean soils to indicate extent of remediation,
- Interior cleaning of homes.

Key Questions and answers related to EU001 included:

- In response to whether homeowners could refuse to have work performed, it was noted that best efforts were made and all agreed.
- It was noted that contaminated soils were taken to an approved landfill in Saginaw County.
- In response to the depth of contamination, it was noted that contamination generally attaches to particles on surface, but that sediment can build up over time.
- It was noted that if the marker layer is not exposed to sun, it will last a very long time.
- It was noted that paved roads will prevent contamination from reaching soils and just require cleaning after future flood events.
- It was noted that there have been flood events since cleaning took place.
- It was noted that a restrictive covenant was implemented with Michigan Land Bank, rather than with the individual owners.
- It was noted that under the EPA order, Dow was responsible for disposal of all contaminated materials and the homeowners did not have to do anything. All disposal items went to the same approved landfill.

Removal work for project EU002 was conducted between May and August 2009 on a number of public properties and included the following activities:

- Soil removal/replacement in park area,
- Gravel removal in parking lot and replacement with asphalt,
- Raise play area to place it above the flood plain,
- Install marker layer to note level of clean soil,
- Remove elevated concentrations in high use residential areas,
- Address areas of moderate residential use (wetland areas),
- Voluntary bank sloping and stabilization pilot project.

Key Questions and answers related to EU002 included:

- It was questioned whether any official feedback was gotten from homeowners on the cleanup process, while no official survey was conducted, Dow has received positive comments about the work.
- It was asked what happened to soils removed during the rebuilding of the Tittabawassee Bridge. Since this was not an environmental project, no one present had this information, but offered to find out.

## **5. Update on Cleanup Project Task 1**

Mary Logan, EPA Remedial Project Manager, provided an introduction to the key objectives for Task 1, which will implement exposure control at high use properties. Highlight of the presentation included the following:

- The goal of Task 1 is to balance the benefits of taking early action at high use properties vs. the larger tasks of the comprehensive cleanup.
- The site has been divided into a number of Exposure Units (EUs) which will have action sequenced over time. A draft Sequencing Memo is under review which includes the 18 remaining EUs where work has not yet been conducted.
- A total of 262 property parcels is under review and more areas may be addressed under Task 1 under the agreement with Dow as more information is collected.
- Many of these properties require a more rigorous land use assessment to determine if early action is required.

Key Questions and answers related to Task 1 included:

- Regarding time, it was answered that EPA is working with state and Dow to conduct evaluations in phases over next two years.
- It was questioned whether having master plans and understanding priorities of land owners and municipalities would help to expedite the process and whether the CAG should prepare for this. EPA presumes that residential use will continue to be residential use. Understanding master plans may be useful for the larger sequencing of segments.
- It was asked what happens if a property owner refuses. It was noted that individuals have the right to make determinations about their individual properties. However, EPA explained its responsibility to make sure an

individual's decision does not adversely affect other individuals with regard to contamination. Depending on the specific situation, the approach will differ as to an appropriate response, if any.

- It was questioned whether the number of properties (262) could grow. It was answered that not every property has been sampled, and we are making decisions based on extrapolating data. As more information is collected, additional properties could be added to the list.

## **6. Community Technical Assistance Program**

Mary Logan, EPA Remedial Project Manager, discussed the opportunities for community technical assistance that are required under the agreement with Dow. Details include the following.

- The agreement provides for funds to be provided to a qualified community group to hire technical advisors. In order to be qualified, a group must represent the entire community, not be controlled by any other organization, and have the wherewithal to manage the funds.
- Initial funding is \$50,000 with additional funds possible.
- Dow is obligated to implement and develop the technical assistance program with US EPA and DNRE oversight.
- Under the agreement with EPA, Dow is required to develop a technical assistance plan to describe the duties of Dow, the selected group, and technical advisors. The plan will also include an application process, eligibility requirements (as stated in AOC), and selection criteria.
- Only one group may receive funding under the arrangement.
- There are two possible methods for administering funds:
  - A grant like approach in which Dow provides monies to the selected group. This would require the group to be incorporated.
  - A non grant approach in which Dow manages the fund and creates contracts with technical consultants at the community's request.
- In EPA's view, the CAG represents the range/diversity of affected community interests, but would need to demonstrate its ability to manage the funds. The CAG membership is also sufficient as local government officials are acting in their personal capacity and Dow holds a non-voting status.

Key Questions and answers related to Community Technical Assistance included:

- It was asked whether the program is limited to a single technical advisor, and it was noted that the only limitation is the amount of money available.
- The grant is renewable, so the selected group could apply for additional resources.
- It was questioned whether the CAG could see the draft technical assistance plan. EPA was concerned that because of errors in the current draft, misperceptions of the program could exist. The CAG still asked to get a copy.
- It was asked whether the current grant to the Lone Tree Council came from the TAP and whether that restricted the CAG in any way. It was noted that no grant

was ever given to the Lone Tree Council, but that EPA directly paid for a technical advisor as a one-time use. This does not make this group ineligible.

It was agreed that the CAG should pursue support under the TAP and the interim leadership team was asked to coordinate with EPA to move the process forward.

## 7. Public Comment

- There were no public comments.

## 8. General Questions

- It was asked why residents are not provided options to relocate. It was explained that EPA's preference is to clean up sites rather than relocate people. There are instances when EPA may provide temporary relocation due to short-term actions. Permanent relocation is very rarely used. EPA has guidance on relocation, and has determined that the situation at this site does not warrant such action. This question has already been considered by management at the highest levels.
- One CAG member noted that the contamination of property is affecting use of the property and its resale, and believed that the government should take responsibility for this. Others noted that properties along the river do sell all the time, and that the real estate market might be more to blame.
- It was asked what year EPA relocated a whole neighborhood at a site in Florida, and EPA staff present did not have that information but offered to find out.
- EPA and DNRE answered a previous question about the potential of adding a public health *ex-officio* member to the CAG. Neither state nor federal agencies have resources to provide a full-time member to the CAG, however both have offered to provide resources as individual topics arise.
- It was noted that there must be resources at University of Michigan and Michigan State that can provide input on issues of public health. It was decided to leave this issue for CAG leadership to determine an appropriate course of action when the need arises.

## 9. Topics for the Next CAG Meeting

- Discussion of the Community Involvement Plan was deferred until May.
- CAG members will be re-sent their access information for the vSpace accounts and an introduction to VSpace will be provided in May.
- Mary Logan noted that she will not be able to attend the May CAG meeting, but would work to ensure that all needed information was available.

Doug Sarno adjourned the meeting at 8:48 PM.

Copies of all presentations can be found at [www.epa.gov/region5/sites/dowchemical/](http://www.epa.gov/region5/sites/dowchemical/).