

**Saginaw Tittabawassee Rivers Contamination CAG
Summary of Full CAG Meeting
Saginaw Valley State University - Curtiss Hall
Monday, August 16, 2010, 6:00 PM – 7900 PM**

CAG Members, and Ex-Officio Members Present

Drummond Black
Charles Curtiss
Leonard Heinzman
Deborah Huntley
Michelle Hurd-Riddick
Michael Kelly
Ryan Jankoska
Wendy Kanar
Judith Lincoln
Janet McGuire
Laura Ogar
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
Carol Chisholm
Michael Espinoza
LaMetria Johnson-Eaddy
David Meyer
Daniel Sosa
Michelle Steele

Ex-Officio Members Absent:

Joe Haas, US FWS

Support and Agency Staff Present:

Don DeBlasio, US EPA
Blair Giesken, CAG Volunteer Transcriptionist
Cheryl Howe, DNRE
Wendy Carney, US EPA
Diane Russell, US EPA

Doug Sarno called the Meeting to order at 6:03 p.m. Agenda items included:

1. Updates
2. Project Timeline and CAG involvement
3. CAG Communication Committee Report
4. 2010 Accelerated Actions

1. Updates

The June and July meeting summaries were approved.

Doug reminded the group that when public are present at the meeting, we will do introductions of these individuals at the beginning of the meeting and ask whether they plan to speak and on what topics so that we can be considerate of the time available for public comment. No public was present.

Wendy Kanar announced that the CAG received the TAP grant from Dow. The group received a copy of the draft agreement, which will now serve as the basis for discussions; Wendy noted that this will force us to make decisions about the structure of the CAG as an organization; Wendy noted that Drummond Black has already volunteered to serve on a committee to work on this, and that Dave Meyer will be asked to participate and any others may volunteer to be involved in this subcommittee as well. Wendy noted that she hopes for the group to be able to decide and come back to the next meeting with a decision as to how the CAG should be legally organized and have a draft contract with Dow completed. Annette Rummel noted that several community members had already formed a 501(c)3 under the name the Great Lakes Bay Area Environmental Council, which is legally established but dormant and available for the CAG if they so choose. Wendy thanked Annette and noted that they will explore this option and take a look at the documents to determine if this is the best option for the group.

2. Project Timeline and CAG involvement

Mary Logan discussed how EPA would be seeking both formal and informal input from the CAG. EPA has a formal process that involves public comment periods at specific points in decision-making. However, the CAG will spend time getting to know the projects on a deeper level than the average stakeholder, allowing the group to provide earlier and more in-depth comments in meetings that will be considered in decision making. EPA will be looking to the CAG for insight about the balance between cleanup options and the values of the area communities. CAG input may be most important on identifying and clarifying issues of concern to communities and helping to manage any impacts of construction (such as transportation routes, noise, etc.).

Mary then discussed the various steps in the cleanup decision process:

1. First, Dow prepares a document with options for how to proceed on the project;

2. EPA & DNRE review the documents and will share key points from the documents with the CAG to get feedback on the different alternatives and how the CAG and the communities they represent will view these options;
3. The agencies provide comments to Dow including feedback from the CAG;
4. Dow will then revise the document based on the agency and CAG input and the agencies review and finalize the document;
5. EPA & DNRE select the final cleanup option based on the gathered feedback and additional formal public input;
6. Dow will then design the selected option (implementation of the cleanup options is not included in the current agreement with Dow and will be negotiated separately).

Mary then reviewed the EPA's projected Timeline (as of July 2010) and where the EPA believes the CAG will have the highest value in providing input. At next month's meeting, we will have a broad discussion of high use properties and the types of exposure controls that EPA is considering, and EPA will seek informal CAG input on these issues (high use exposures and potential exposure controls).

For Task 2 (Mitigating Significant Contaminant Migration) the objective is to stop contaminant migration, ahead of the comprehensive cleanup). EPA is assessing six stretches of banks along the Tittabawassee River for activities such as sediment traps. More data is required before they can move ahead. Informal input from the CAG will be sought on this issue some time early next year.

When this time comes, the CAG will be asked for formal input on types of cleanup actions to be considered for the comprehensive cleanup. EPA is taking a segment by Segment approach moving from upstream to downstream, to prevent any recontamination. Operable Unit 1 has been divided into 8 segments about 3-5 miles in length and work is being scheduled in phases for almost continuous construction. These are intended to be comprehensive cleanups with overall goals of reducing risk at these sites. The CAG input is anticipated to be more complex for this task. More background will need to be provided and discussed by the CAG before formal input is developed. In the next few meetings, background on conditions will be explained and discussed. Then, in January, the discussion and draft cleanup options will be brought to the CAG. It is anticipated that formal comment will be provided in Spring 2011. This will be an iterative task for all segments as we move downriver.

Other areas for CAG to be involved include clarification of key messages from the Community Involvement Plan to help reach the community more directly and succinctly.

The CAG thanked EPA for this information and clarification on opportunities for CAG input. Questions and answers from this session included:

- It was noted that the timelines seem quite short for many of these tasks and that EPA must move very quickly on these projects. Will we be able to fit the desired input in the CAG schedule? Mary noted that this was a fair comment and that

where was sufficient foundation and information for them to move ahead without CAG input, they moved ahead on certain projects. She noted that this will be less likely in the future as the CAG becomes increasingly involved, but that it may happen in some circumstances.

- It was noted that the CAG will need to think about the nature of the conversations around input that will be given in the future. Are we looking to reach consensus within the meetings, or to develop some type of written document reflecting the views of the group? Written input/recommendations can be developed for these issues when the need arises; the CAG will need to discuss how it wants to be heard and be on record, and how will this be formally (or informally) communicated to the EPA, Dow, the community, and other involved groups.
- Regarding a question about the process, Mary Logan noted that for informal input, preliminary options for consideration will be brought to the group before formal agency opinions have been formed. The EPA will look, from the group, for some type of discussion and preliminary input, later looking for recommendations on a preferred option from the group closer to the public comment period.
- It was asked if it were possible to have a CAG representative present at the negotiation/discussion meetings between EPA/Dow. Mary Logan noted that most of the discussions are extremely technical, and it would need to be explored whether or not it would be time well spent for the group to participate in the discussions, or if it would be better to work with a technical advisor as a liaison between the group to review the information. It was noted that the CAG is not prepared to get into the minute technical issues, but reviewing and inputting on the larger key points and outcomes of these meetings would be more effective.
- If not for the CAG, when Dow came to the EPA with options, what guidelines would be used to determine the best option? Mary noted they use criteria from the National Contingency Plan (the regulatory document for the Superfund Program). There are either 3 or 9 criteria used, in conjunction with extensive discussion on those criteria and how they should be balanced. Wendy Carney explained that there is a hierarchy of criteria with three categories (threshold, modifying, and balancing criteria). These are also evaluated with Dow's long-term Corrective Action plan with the MDNRE. Formal public comment is also part of the process.
- It was asked if all the options we see will have met the criteria. Mary explained that while this is true, they will balance in different ways. Wendy Carney provided an example and noted that the right balance must be found between the criteria, since there is no single right answer.
- It was noted that if the CAG could get some information ahead of time in a manageable, easy-to-understand form, this would be very helpful so that the group can process the information before they are called to provide input. Mary Logan noted that they do try but are working in real-time to bring information to the CAG, and that it is sometimes difficult to provide advance information to the group without context or discussion to support it. It was also noted that many of these issues cannot be one-meeting topics, and that we may need to bridge between meetings and process information and decision-making. It was

suggested perhaps a “preview” could be provided before meeting one of an issue to set the context and get the group’s wheels turning. Wendy Carney noted that there is a very short (1-2 month turnaround) on presenting these, and that all the agencies are trying to balance moving forward to make progress, while also not shutting the public and the CAG out of the process and the opportunity to be involved. Mary noted that she and Al can get back to the group with ideas of how to do this and how to give more manageable information to the group so that they can feel their input is both educated and meaningful.

- It was noted that the CAG now participates in the ex-officio meetings after the CAG meeting to ask further questions
- It was noted that the CAG should focus on where the real opportunities for influence exist, and that not all the choices and discussions are appropriate for public input. We need to focus our limited time on the areas where it makes sense for the CAG to give feedback.
- It was noted that it is important that the community see and know of the graphics and images of the cleanup that has already taken place to know and understand the progress that has taken place.

3. CAG Communication Sub-Committee Report

The Communications sub-committee met and noted the following ideas and suggestions:

- Some members feel that the CAG is not diverse enough in its ethnic background, age range, and other areas of composition and that this should be addressed. While EPA developed a good list key community stakeholders not all of these stakeholders are represented on the CAG.
- The subcommittee would like to see more information from the EPA, and more frequent engagement between the MDRNE, EPA, and the public.
- Engage local media efforts to do PSA for meetings.
- Seek out stakeholder groups to improve communications, perhaps beginning with those not represented on the CAG.
- Include public comment before & after meetings, with a 3 minute time limit.
- Overall, until this group gets better organized ourselves, we cannot go out and communicate to the public.
- We should come up with some type of formal format to put information together and get it out to the community (times of meetings, locations, etc.) to get more community members involved.
- Progress needs to be better communicated to the public to bring those in the community members who are exhausted with the issue back to the table.
- The Ezekiel Project of local churches is a possible outlet for community outreach.

The following comments were made in response:

- It was noted that outreach to these other target groups who may be underrepresented may not always involve having them on the CAG, but making sure their voices are heard. Some of the minority groups who are represented on the CAG have had poor to no attendance.

- There is a great deal of work going on addressing this issue (agricultural issues, public health & safety issues related to fish consumption, etc.) that needs to be communicated to the public in a manageable form. We need to have these types of completed or in-progress projects listed in one place to get it out to the public.
- It was asked if the communications group discussed ideas for how to converse among themselves more effectively before approaching the public. The group suggested more time for group discussion to ensure everyone is on the same page.
- It was suggested that we need to be able to more securely separate our individual opinions from the group position so that we can accurately represent ourselves to the community.
- We need to focus on the impact on the people we are trying to address (recreational uses of properties, public health aspects) rather than the group trying to understand the technical background of each and every issue. We are not going to argue the numbers of exposure control, contamination, etc. but rather trust that the EPA, MDNRE, & Dow can agree on these numbers and procedures.
- It was noted that it may be very difficult to redevelop an interest on behalf of the community, as many are exhausted of the issue;

4. 2010 Accelerated Actions

Todd Konechne of Dow Chemical provided a presentation on planned Accelerated Actions for this fall.

Reach J Capping Pilot Study

Will use a type of an innovative capping system that will initiate and create a natural cap to help stabilize sediments identified with higher concentrations of Furans without creating a lot of destruction to the river system. A major bank removal project was done with this technology in 2007. A cellular confinement system, geo-web/geo-cell will be used which is a synthetic grips that is secured to the riverbed and allows clean sediment to naturally fill in and be held in place. This study will explore the techniques and feasibility for installing this material and how well it works under river conditions. The capped areas will cover an estimated 10,000 to 15,000 square feet of river bottom.

Todd noted that the project may be delayed a few weeks until the river is at low flow. A very detailed survey of the area was done with GPS to study the elevations. Baseline surveying and baseline sampling are done. Seaming and placement of geocell material in the river is planned for this week or next. Once the material is placed, more surveying will be done to lock in GPS points, and then monthly monitoring will begin and last as long as possible until winter conditions come into play. Within a few months, drawings and baseline sampling will be provided in a report form to the agencies.

Questions about this case study included:

- How will this impact areas along the river? Todd responded that the river bottom is very dynamic, and that we will be capturing a very small amount of sediment to build and create the cap, so this will not interfere or take away from other areas downriver.
- Was this technology invented by Dow, and has it been used in other cleanups? Todd noted that it is a common product that is used in other applications, but that it is used uniquely in this situation in that it's used to trap natural sediment rather than being filled with artificial material or clean material brought in by other equipment.
- Has it been used for capping in previous instances? Todd noted that it has been used in the bottom of streams for stabilization, but not completely for final capping purposes. Thus, it is still a pilot study.
- It was asked what the appropriate depth of the cap should be. Todd noted that it's not just about the cap, but about installing the stable substructure (the geo cells) to help that material stabilize and stay there. Al Taylor noted that while this may not be a final solution, it's at least a good solution for an interim cap until complete remediation would occur.
- What is the expected life is of the material is and its flexibility? Todd noted that the material will flex under weight, and that its life span is indefinite if not exposed to certain detrimental conditions.
- How and how often will this be monitored? Todd noted that the pilot will, at least at first, be monitored monthly (visual monitoring, walking of the river, GPS systems use to monitor depth & location).

Reach O Bank Stabilization

This study will conduct stabilization using native vegetation to stabilize the bank from erosion potential while minimizing heavy construction impacts and requiring low maintenance. The project will entail the clearing of existing vegetations reduction of tree canopy, toe treatment where necessary, hydro-seed with native grasses according to hydrologic conditions, erosion control blanket technologies, and the installation of live plant plugs.

This project was activity started in late July with a bank evaluation of what type of vegetation was in place and what type of erosion was present. Bank sampling and temporary access trail construction is completed. Slit fencing, canopy removal/management, and bank clearing will be completed this week. The application of bank stabilization will begin later this week and continue for a few weeks. This activity is taking place on Dow property and we anticipate completion by September and ability to restore and replant any destroyed vegetation. A report will be compiled in October to show what was done and how it is working.

Questions about this case study included:

- How far upland from the edge of the river is canopy management done? Todd noted that trees are only removed in selected spots. The areas are evaluated on their erosion levels, etc. so that not all areas and banks along the river have canopy material and other material removed if not necessary. In some areas; just

those trees on the face of the bank are removed, but it can sometimes extend back 20 to 30 feet if necessary. Todd noted that we are at a sort of tipping point with our forestry where the cottonwoods will soon end their lifecycle and the hardwoods or next species in the cycle will take over.

- As we move away from Dow property and onto other private or commercial property, will we ask those individuals to represent themselves at the CAG meetings to voice input on the remediation? Mary Logan noted that the EPA is very sensitive to the issue that owners will be asked what they want done to their property, and that the EPA will be thinking about that and work with affected individuals in the process to make sure their voice is heard.

5. Additional Issues

- Judi Lincoln will be contacting members who did not take the initial river tour and inquiring if they would like to participate in a future tour.
- It was asked that the CAG be notified of other supplemental meetings or goings-on in the community so that the public and others can be involved and take part in meetings associated with the Dioxin issue.
- It was asked if we could narrow down the area of the Community Involvement Plan that indicates 32 ways to communicate with the community down to 10 or so of the most effective ways to communicate so that these few efforts can be focused. It was agreed that a prioritization questionnaire would be developed to help in this narrowing/selection process.

6. Public Comment

There was no public comment

The meeting was adjourned at 8:27pm.