

**Saginaw Tittabawassee Rivers Contamination CAG
Summary of Full CAG Meeting
Saginaw Valley State University - Curtiss Hall
Monday, September 20, 2010, 6:00 PM – 9:00 PM**

CAG Members, and Ex-Officio Members Present

Drummond Black
Carol Chisholm
Charles Curtiss
Leonard Heinzman
Deborah Huntley
Judith Lincoln
Janet McGuire
Laura Ogar
Annette Rummel
Paul Vasold
William Webber

Ex-Officio Members Present

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

CAG Members Absent

Ronald Campbell
Michael Espinoza
Ryan Jankoska
Wendy Kanar
Michael Kelly
David Meyer
Daniel Sosa
Michelle Steele
Joel Tanner

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 6:09 p.m. Agenda items included:

1. Updates
2. Short Term Actions for High Use Residential Properties

1. Updates

The August meeting summary was approved

Long-term Leadership Structure

Deborah Huntley discussed a proposal for an ongoing leadership structure for the CAG. The current three-person team structure was intended to be an interim solution. Although things have been going smoothly for Interim Leadership Group thus far, they expect it will be come more time consuming in the future. Factors to consider include the level of expertise, area of specialty, availability to meet in between meetings and presence at CAG meetings. The leadership team believes that a single chair would likely be a bad choice for leadership, and that 3 members serving on this group seems to be a reasonable and efficient number. Over time we suggest creating a rotating term or staggered term that replaces a single member each year.

ACTION: The CAG agreed to a permanent leadership team consisting of three members, with staggered, yearly terms. The current Leadership Team agreed to continue their role until further discussion and approval at the January retreat.

Membership

Several members of the CAG have not had consistent attendance to meetings. Two members, LaMetria Johnson-Eddy, and Michelle Hurd-Riddick, who represent important sectors of the community have also resigned in the past month.

ACTION: It was agreed that finding replacement members to fill these voids was important and the Leadership Team will take the lead on seeking new members. Anyone with suggestions for possible new candidates were asked to e-mail the Leadership Committee. It was suggested that we focus on choosing members who were part of the initial selection process as we would know that they expressed interest in participation and were part of the initial, thorough screening process.

ACTION: A Webinar or conference call-in option will be explored as a last-resort for members who cannot be physically present at a monthly meeting.

ACTION: The Ex-Officios will create a brief tutorial or historical overview for the incoming group of new members to bring them up to speed. An orientation or historical overview package will also be created to distribute to new members.

Member Biographies

Doug Sarno opened the discussion to ask if the completed bios contained the appropriate amount of detail. One member strongly stated that the bios must show any association with Dow including membership in any group or organization that receives funding from Dow. This would include any and all representations of any associations with Dow, including any funding received by a board, company, individual, or other party. Doug noted that this is a large task and that this may be difficult to pin down, as so many community institutions, groups, scholarships, grants, and other items are supported at some level by Dow contributions. Many other CAG members noted that just because a person serves on a board or committee or works for an organization that receives some level of Dow funding, it does not mean that person's sentiments lie with Dow, and to suggest so would be wholly untrue and unfair. The member who raised the issue noted that if we do not provide a list of the organizations where CAG members work or volunteer, the community may not trust the CAG's legitimacy. It was recognized that this was the purpose of the bios, and individuals have listed all the boards and organizations for which they volunteer. However, defining Dow's support to these boards is a much larger task. All other CAG members present felt that somehow suggesting that Dow support to an organization somehow taints an individual's viewpoints and participation on the CAG is simply not true. It was noted that no CAG members work for Dow or receive any other forms of direct financial support. This debate continued for some time without further reconciliation.

Doug Sarno noted that transparency was very important and that is why the bios are being produced in the first place. The CAG was convened specifically to have diverse perspectives and points of view and that is what makes it useful. All members were asked to warrant up front that they did not have any conflict of interest that would prevent them from serving the community in a fair manner.

ACTION: The CAG decided that CAG members should list all organizational affiliations that are associated with Dow, EPA, or any another group related to the Dioxin issue, and that some descriptive language should be developed to explain this context to the public as part of the bio document. Doug and the leadership team agreed to develop a proposal for the next meeting.

Communications Survey

Doug noted that the results of the survey were not particularly illuminating and that most of the methods the group agreed were important were fairly traditional methods. The results showed a fairly broad distribution and support for traditional methods of communication. CAG members noted that the survey mainly re-articulated what the CAG as a group desires from EPA (such as timelines, factsheets, etc.). The group agreed that the Survey Monkey tool was user-friendly and will be a good tool to use to gather input in the future.

Update on Dioxin-Related Activities

Diane Russell, EPA, presented a draft table listing all of the different state and federal Agency activities that related to the dioxin cleanup. This information was requested last

month as a way to track the myriad activities happening. The table presents different activities taking place, and provides a brief status summary of what is going on associated with that project. It is intended to be kept on line and updated approximately quarterly as an overview of who is doing what on the river and the bay and to keep everyone updated in a big-picture perspective of the ongoing projects related to the river system & Dioxin issue. The CAG noted that this is a great start and a snapshot view for people to understand that there are a variety of activities going on within different agencies and encouraged EPA to continue with this effort.

2. Short Term Actions for High Use Residential Properties

Mary Logan, EPA provided an overview of the approach to evaluating residential properties for short-term exposure control actions that can be taken to prevent human exposure at locations that may be several to many years away from final cleanup.

Mary asked the CAG for feedback on two specific areas:

1. Criteria that would initiate exposure control, which would look to see if all three of the following were present:

- Within frequently flooded areas
- Active use within floodplain area
- Presence of bare soil in floodplain area

2. Types of exposure controls to implement at these properties, of which some combination of the following three are being evaluated:

- Barrier controls
- Movement of land-use features out of the floodplain
- Ongoing maintenance

EPA must consider effectiveness and implementability in making its decisions and is seeking community input as well. CAG members worked into three small groups to discuss these options and develop feedback.

Feedback on Proposed Criteria

- Overall, the criteria seems reasonable,
- The types of users should also be considered. The level of use varies greatly from property to property, so property specific information is important.
- One group noted that there could be places with varied infrequent flooding where higher contamination could be missed.
- Active use is the logical trigger, but there are many non-responses and refusals among homeowners and there might not be enough data from all the property owners along the river.
- Some questions raised included:
 - what defines an active use?
 - how is re-contamination monitored and checked, when certain areas flood only at certain times of the year?

- Economic impact should be considered as part of the criteria—not only the cost of cleanup, but the long-term economic impact on the land and landowner, for example property may be deemed as contaminated or less valuable even after action is taken.
- Negative impacts on wildlife should be added to the criteria,
- Reported health issues in an area could also be used a trigger for more testing,
- The property owner’s willingness to cooperate should be part of the criteria,
- Certain soil compositions are more prone to contamination and should be addressed as higher priority,
- The group raised concerns about the high objection rate to performing cleanups or remediation on private properties, and noted that this should be discussed in the future (are we wasting our time if a high percentage of residents object to work being performed on their properties?). if people are refusing to participate in the initial survey, we may be missing pieces of information. The refusal or no-response statistics were disturbing or at least worthy of concern—how effective will this be if so many property owners are objecting or refusing to respond?
- Some property in frequently flooded areas may not have active use but may have bare soil that should be addressed (e.g., to prevent erosion).
- A question was raised about the amount of sampling available. Within the floodplains of the Tittabawassee alone there are many thousands of samples, and while not every property has been tested, there has been a distribution of samples. Mary Logan noted that geomorphic units were looked at as part of the work Dow did under the State license. EPA and Dow are willing to put these methods into action until comprehensive remediation/clean-up is begun (in order to avoid the complex issue of “how dirty is too dirty?” etc.). There is sufficient confidence to focus on frequently flooded areas without the need to do more testing.

Feedback on Exposure Controls

- There are several potential cons to conducting exposure controls, including intrusion onto property, that these are temporary fixes, inconsistencies in what constitutes bare soil, and cost.
- Pros for conducting exposure controls include actions can be easily and quickly determined and the fact that something is being done for the public and the commensurate positive media coverage this would create.
- There should be an ongoing look at proven health impacts as we progress.
- It was not clear to everyone whether barrier controls prevent exposure.
- It is important to have clean soil when moving land use features (garden movements, etc.) and there must be a procedure for getting rid of contaminated soil.
- Many residents along the river are very concerned about preserving their trees and vegetation..
- Monitoring and supervision is a very large job. How will this be enforced over time when ownership of certain properties may change. It is important that property owners are not penalized due to exposure controls being implemented.

One recommendation for exposure control is that the government purchase the property to eliminate this issue.

- EPA should consider the strong desire to put this issue behind us. It should remain as voluntary buy-in and we need to learn why there is such a high rate of non-participation. It is the CAG's responsibility to consider the possible negative impact of non-participation and understand the people living there, and why it is such a concern for them.
- Avoid any unnecessary destruction of the natural habitat.
- The question was asked whether or not resources should be dedicated to short-term small-scale remedies and if this would take away from long-term comprehensive cleanup solutions.
- Todd Konechke, Dow, noted that the data we have shows that the contamination from past flooding is from many years and multiple floods, and that evidence shows that even if recontamination occurred, it would be nothing like the conditions today. Al Taylor noted that the outcome is different at different parts of the river, however, it will certainly be better than it was before and would not be re-contaminated to the same level.
- The question was asked if areas cleaned up in the short-term will be revisited and readdressed in permanent cleanup. Mary Logan noted that it is the hope that some of the short-term remediation actions could potentially serve as the final permanent actions of cleanup.
- It must be appropriately described the community that these are temporary, interim controls just to contain these suspected hotspots and that a comprehensive cleanup would later ensue.
- The question was again raised about the health effects of Dioxin. Mary Logan again explained that it is the EPA's responsibility to cleanup potentially dangerous chemicals long before any health effects could be noticed and studied on a mass-scale, and that the EPA must act on the presumption that there could be a negative health effect from Dioxin, and must work toward exposure control and eventual remediation and cleanup.

Doug Sarno asked whether this exercise was effective and the group indicated that it was and that the discussion guides helped.

3. Public Comment

- It was asked if all three of criteria given to the CAG were meant to be inclusive (Mary Logan responded yes). It was remarked that this may be prolematic, for example, children playing on grass can very easily dig into soil areas that are contaminated. Children should somehow be included in a more expanded definition of use.
- The Michigan study notes that animals and crops should not be raised for human consumption in areas with Dioxin contamination. A better flagging of areas of concern should be done to raise public awareness and clarify where these contaminated areas are present.

- Mary Logan noted that a member from the Department of Agriculture had been to a prior meeting, and could share additional information in the future if it is so desired.
- It was noted that the leadership team met without public notification and notice for interested parties of future Leadership Group meetings should be made.
- It was suggested to have a forum of outside experts on dioxin issues open that is open to the public to help everyone understand the range of issues and expert opinions.
- It was asked if more information had been presented on sediment traps. Mary Noted that sediment traps fall under Task 2, and that an investigation for the use of sediment traps is being conducted. Work is expected to be done in late 2010 and 2011.

The meeting was adjourned at 9:02 pm.