

**Saginaw Tittabawassee Rivers Contamination CAG
Draft Summary of Full CAG Meeting
Saginaw Valley State University - Curtiss Hall
Monday, January 17, 2011, 6:00 PM – 9:00 PM**

CAG Members, and Ex-Officio Members Present

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

Ex-Officio Members Absent

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

CAG Members Absent

Ronald Campbell
Wendy Kanar
Janet McGuire
Laura Ogar
Paul Vasold

Support and Agency Staff Present:

Doug Sarno, Facilitator

NOTE:

Because this meeting was held on a Federal holiday, no ex-officio members were in attendance. As a result, the CAG often did not have formal answers to questions or issues that were raised. The summary records questions and speculation, but does not generally offer definitive answers to these issues.

Doug Sarno called the meeting to order at 6:07 PM. Agenda items Included:

1. Member Recruitment
2. Incorporation and Membership Terms
3. Recommendation on High Use Properties

1. Member Recruitment

The leadership team presented on membership status. We currently have 17 active CAG members and do not need to increase our numbers, but do need to make sure we keep a balance of community interests. The leadership team discussed ongoing efforts to attract new CAG members to fill the demographic needs of environmental activist and the African American community. The one person extended an invitation for environmental activist has subsequently declined because they will be leaving the area soon. Several candidates have been identified and the search is ongoing. There should a number of potential members to be introduced by the February meeting.

2. Incorporation and Membership Terms

Draft articles of incorporation for a director-based, non-profit corporation will be available for review at the next meeting. The organization will require standard officers of President, Treasurer, and Secretary that will be filled by members of the leadership team.

The leadership team will assume the roles of President, Treasurer, and Secretary. It was decided that all CAG members will serve three year terms. Terms will be staggered so that turnover is not too great in any one year. It is anticipated that new general member recruitment will begin January of next year. At that time, existing members will commit to either one or two-year extensions while new members will begin three-year terms. This will provide the staggered membership desired. No term limits are anticipated for membership at this time. However, officers will be elected or extended each year at the annual retreat.

3. Recommendations on High Use Properties

The draft recommendation was presented and discussed. All members reviewed the draft recommendation. The goal is to refine the recommendation tonight and distribute electronically for final approval. Comments to EPA are due February 11th, which is before the next meeting. This is just a proposed structure as this is the first formal recommendation from the CAG. We can modify the structure as we see fit.

A number of issues were raised in CAG member comments to date:

1. It is important to remember that this is an interim action and does not prevent any other approaches in the final remedy.
2. How "active use" will be defined as a precursor to action is not clear
3. The nature and extent of bare soil that will require action is not defined
4. What happens if homeowners do not wish to participate?

5. There are ongoing concerns with removing foliage and trees from private property and the riverbanks

Home Owner/EPA Relationship

There were numerous comments regarding the rights and responsibilities of homeowners whose properties are potentially affected. The following points were made:

- Who is going to pay for this? It was noted that all cleanup is conducted with EPA remedial funds, or directly by Dow under the agreement with EPA. There is no cost to property owners for clean up activities.
- Some people are more afraid of the EPA actions than they are dioxin. This may be why there is not enough participation. People may be afraid of economic loss- especially when it comes to the housing market. EPA needs to work more closely with the property owners, instead of simply telling the property owners what to do.
- What are the rights of the property owner? Can you pass along contaminated land in selling your house, who would buy it? Some people would rather not know if there is dioxin on the property so they can avoid this problem altogether.
- There is just too much uncertainty, homeowners have no idea what it means to them, what they can and cannot do with their properties, when any actions will be taken and how long this will last?
- Interim response activities do not work for property owners who want to move on. This still leaves them with great uncertainty, leaving homeowners unable to take action with their properties. Homeowners concerns need to be taken into account by the EPA and Dow. One size does not fit all for property owners.
- Perhaps this is not fear of the EPA; instead homeowners may be upset that dioxins are there in the first place.
- Most likely it is a little bit of both.
- There may also be an issue in the way that dioxins and EPA are portrayed in the media and this may be why property owners will not let the EPA on their property.
- The economy is depressing property values, not dioxins.
- While that is true, property becomes less marketable when it is known that the property contains fill material contaminated with dioxins.
- The only real way to address these issues is to negotiate on a property-by-property basis between the property owner and the EPA.
- Properties that are not being considered for this action should also be considered to assist property owners who are not subject to recontamination and could be released from further responsibility.
- It is important that EPA make clear how it will work with homeowners and that they will be conducting interviews with homeowners.
- It is important to get started and start giving homeowners some sense of certainty where possible. If interim actions can be considered final that would be very helpful.

A questions was also raised regarding whether there really is proof that dioxins are hazardous.

Relocation of Homeowners

Based on public comment, the issue of homeowner relocation was discussion and the following points made:

- While no buyouts or relocations have been considered, Dow did “remake” yards and did a lot of renovations to the Riverside area.
- Landscaping has been used to build up cover of dioxin-contaminated fill.
- EPA does have the authority to purchase properties when they feel that it would be best for human health. Not sure how many times, but they do not do this very often.
- Our understanding is that EPA has taken buy-outs off the table as an option.
- Relocation does nothing to clean up the mess.
- Wholesale buy-outs could also have negative impacts on the community.
- If buy-outs occurred, who would then own the land and what would happen to those properties?
- Some residents may like to have the option of buy-outs.
- The CAG needs to “get smart” about relocation and need to learn more about that. We need to understand how it works, the pros and cons, and how many people would be interested in this option. We need to put it on a future CAG agenda and have a conversation about it.

Homeowner Cooperation

There was significant discussion over how EPA should manage homeowners who were reluctant to participate. Points included the following:

- If homeowners do not want the EPA on their property, then EPA should leave them alone.
- Since this is an interim action, does the property owner have the right to say no, not now? But then would they be required to comply with the final action?
- If EPA believes there is a danger, EPA will need to take action as they see fit.
- EPA has said this is a risk, so there would be no point in being here if the EPA did not believe this was a risk.
- What about eminent domain as an option?
- Why do people not believe this is dangerous?
- EPA’s mandate is to protect the public if there is a *chance* there is a danger.
- If the refusal of one homeowner to participate results in potential danger to a neighbor, then shouldn’t action be taken?

CAG Agreements

Based on the discussions, the CAG expressed support for options 2 and 3, recognizing that there are some issues that need to be addressed including how properties will be selected and working with homeowners. The need for future information and discussion regarding the dangers of dioxin and possible relocation of homeowners will be included in the recommendation as well.

The recommendations committee will revised the draft recommendations by January 28th for all CAG members to review. Members will have one week to review the draft.

4. Public Comment

Public comments were taken at several points during the meeting and included the following:

- The CAG meeting agendas and other documents should be made available for the public prior to the meetings. This is important and a matter of credibility for the group.
- The issue of river residents wanting to be relocated needs to be put on the table. The Lone Tree Council will be tackling the issue of relocation, especially of women of child bearing age and children.
- This is not the first time that an agency has considered an interim response. The first time was in January 2005 and there is better floodplain data now.
- The CAG needs to work with EPA to address the fears in the community.
- The CAG should be clear where there is consensus but also clear where there are “minority” opinions.
- How does dredging in the Saginaw River fit into this? (It was pointed out that the CAG is only dealing with the dioxin contamination and not with the dredging project being carried out by the Corps of Engineers).

The meeting was adjourned at 8:10 PM.