

**Saginaw-Tittabawassee Rivers Contamination CAG
Summary of Full CAG Meeting
Saginaw Valley State University
Room 202 - Regional Education Center
Monday, March 19, 2012
6:00 PM – 8:17 PM**

CAG Members Present

Drummond Black
Deborah Huntley
Wendy Kanar
Michael Kelly
Rachel Larimore
Judith Lincoln
Janet McGuire
David Myer
Laura Ogar
Bob Weise
William Webber

CAG Members Absent

Jeffrey Bulls
Charles Curtiss
Matthew de Huis
Leonard Heinzman
Ryan Jankoska
Annette Rummel
Joel Tanner
Paul Vasold

Ex-Officio Members Present

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

Support and Agency Staff Present

Cheryl Howe, MDEQ
Deb MacKenzie-Taylor, MDEQ
Diane Russell, US EPA
Doug Sarno, Facilitator

Doug Sarno called the meeting to order at 6:01 pm. Agenda items included:

- Leadership Team Updates
- Project Updates
- Tittabawassee River – approach for the floodplain soils
- Proposed Cleanup of Midland Area Soils

1. Leadership Team Update

Summary of action items and updates from the 2/20/12 CAG Retreat:

- Terms of office were discussed with continuity of leadership/membership in mind, staggered terms have been established
- Judi Lincoln will step down from the leadership team after May 2012 and a new leadership team member is being sought
- Annette Rummell will be stepping down from the CAG as of May 2012 and a new member to represent the tourism and business perspective is being sought
- The CAG intends on addressing gaps in membership, including Hispanic representation as both Hispanic members are no longer on the CAG
- Information on sediment traps is a high priority for the CAG and they look forward to getting this information (this has been scheduled for the May meeting)
- The CAG has gotten confusing feedback from the EPA regarding presentation of the Dioxin report originally scheduled for January and postponed until March. The HQ office has now indicated it must first coordinate with Region 5. The CAG would appreciate any assistance from Region 5 in making sure that this presentation will take place. (EPA Region 5 will assist in resolving this issue)
- The CAG would like more information regarding the relative risk reduction that is afforded by different remedial choices. It has not been clear enough how different levels of effort and investment ultimately enhance the protection of public health
- The CAG would like to get regular updates at every meeting on the efforts and results of EPA's community outreach and communication. (EPA has agreed to this)
- There is confusion about the ultimate disposal location for contaminated sediments and the CAG would like more clarity about where sediments have been disposed to date and will be disposed as the project proceeds.
- The CAG would like to understand the full range of sites where large-scale sediment cleanups have been completed or are underway and understand the range of approaches and technologies that have been used, current best practices, and other lessons learned. (EPA will work with the CAG to identify a national level expert on this topic)
- The CAG would like an easy-to-understand schedule for Segment 1 activities in 2012 and 2013 (EPA will produce one)
- Information on erosion and sediment control for Segment 1 is needed (EPA agreed to provide this over time)
- The CAG would like a clearer picture of the overall health of the water in the rivers and bay-- is water quality improving, are wildlife and fish healthier and

more plentiful? Anecdotally this seems to be the case, but do we have numbers to tell us what is really going on? (The CAG will work with all ex-officios to identify sources and individuals who can assist with this issue).

Additional results from the CAG Retreat Include:

- While the CAG will not be providing input or recommendations on public health issues, this is obviously a significant concern in the community
- CAG members struggle individually when talking with the public about public health issues and want to have accurate and complete information to discuss these issues, the CAG will continue to ask for information and seek speakers on this subject.
- The CAG would like to bring in a person from a local health department as a speaker
- The CAG is trying to identify an expert in sediment as a consultant.
- The CAG is working on getting a website up and running.
- The CAG plans on getting their own videographer; until that happens, the group has no concerns continuing with the present arrangement
- The CAG continues to believe in the necessity of having a facilitator to support its activities
- The CAG has made minor revisions to their charter.

Doug Sarno reviewed the 2012 CAG calendar. Next month's meeting may be cancelled as there is no speaker yet. Mary Logan stated there is a possibility of a speaker from EPA headquarters. She has confirmed that a speaker on sediment traps will be at the May meeting, Kory Groetsch of the MDCH will also be a speaker at that meeting. The June meeting will likely be an on-river site tour. There will probably be no meeting in August. The September and October meetings will include more details concerning the Segment 1 and Segment 2 clean-ups.

2. Project Updates

Todd Konechne, Dow Chemical, reported that Dow will be completing a design package that is due to EPA by the end of April for work that will occur during this first of two expected construction seasons on Segment 1. Looking at phasing based on logistics of construction and operation within any given area.

Diane Russell gave an update on community involvement activities. The EPA participated in over 20 events last year, reaching approximately 3000 people. The agency also worked with the Bay County Health Department, the First Ward Community Center, and the Bay City State Park to present "Eat Safe Fish" information to approximately 2500 students and 1800 anglers. For 2012, the agency continues to work with those partners and as of this date, 1,100 students have heard presentations and nine events have been held. Diane distributed a chart showing a summary of events that where EPA participated. She also stated that the EPA Saginaw office is

planning an open house, most likely next month. A CAG member asked for a copy of the Community Involvement Plan—the plan is available online and Diane stated that hard copies as well as disks are available. Other members asked if “Eat Safe Fish” brochures are being distributed to local bait shops and to local motels/hotels for out-of-state fishermen; Diane stated that she will check on that and that all ideas for locations to place brochures are welcome.

3. Tittabawassee River revised approach for the floodplain soils

Mary Logan spoke of how the clean-up approach had been organized to include seven segments to conduct a phased upstream to downstream cleanup. Under this approach, each segment was to address sediment, river banks, and floodplain soil concurrently. Upon reflection of community input, however, EPA is considering a new approach that will look at the floodplain soils all at once, not in segments as with the sediments and river banks. This approach will allow EPA to look at the bigger picture, and allow the entire public to be engaged at the same time to look at property issues and impacts as a whole. This comprehensive approach to floodplain soils would provide more certainty for the public regarding decisions and future actions affecting private properties. This will also ultimately help to drive a faster cleanup.

The EPA plans to conduct enhanced community involvement for Tittabawassee River floodplain soil cleanup decisions, and the discussion will focus on things of most interest to the community. Discussion will focus on things of most interest to the community, including community values and concerns. Planning to be conducted in 2012 and 2013 will include more extensive interaction with property owners in smaller settings and engage other stakeholders and groups as well to discuss preliminary issues, ideas, and options for floodplains. A proposed cleanup option will be identified in 2014, EPA will then obtain formal comment and finalize decision in its traditional fashion.

A CAG member noted that homeowner participation in these cleanups has often been low and asked how this would be addressed moving forward. EPA is Very aware of the issue. All past actions have been interim, but this will be the final option and it will be more important to get that participation. It will be different for properties that do not threaten to contaminate any others vs. those that present a threat to other nearby properties. A CAG member noted that it is important that everyone gets the same message, big meetings makes sure that everyone hears the same message and the larger meetings help with that. While that is true, there is are still relatively few people that attend the larger meetings, and EPA is looking to expand the interaction and ability to work directly with people and answer questions and gather input. EPA will continue to use a variety of approaches.

4. Proposed Cleanup of Midland Area Soils

Al Taylor (MDEQ) provided information regarding the Midland Area Soils Cleanup. This action has been in discussion for some time, and MDEQ and Dow have reached agreement about removal of dioxins in community. A 250 ppt action level for dioxin has been established that will result in all contaminants of concern being addressed. MDEQ is currently conducting a formal comment period so questions tonight will not count toward that, and people will need to fill out a formal question form.

The project is responding to historical air releases from the Dow plant. New controls capture 99.999% removal of dioxins so these are not a continuing concern. However, RCRA Correction Action requires cleanup of impacts from past actions. The 2003 Dow operating license from MDEQ required Dow to conduct corrective action for Midland area soils. Environmental actions at the Dow plant site are being regulated by MDEQ, while the Rivers and Bay are being regulated under the USEPA Superfund program.

A resolution area where properties must be addressed has been identified based on 2004 studies, 2005 interim responses in residential areas north of plant, and additional studies conducted from 2006 through 2011. Some voluntary property purchase to change properties into more appropriate commercial/industrial uses have been identified. If people choose not to sell, remediation will occur along with the other property in the resolution area. Resolution area boundaries are approximate and could change as a result of future sampling.

The 250 ppt level is proposed in accordance with EPA approved risk assessment procedures. A composite sampling method will be used to look at total exposure across a property. All properties that test above the action level will be offered cleanup. All work will be done with the consent of a property owner (if declined, money will be placed into a trust fund for future cleanup upon transfer of property). Michigan Law was amended to allow property that is cleaned up to meet the standards to no longer be considered contaminated.

Cleanup will continue through 2017. Properties closer to the plant site will happen first. Three samples will be taken from ten locations. One sample from each location will be mixed together into a single sample. Samples that are well above or well below 250 ppt will result in an immediate decision. If near 250, then the other samples will be run to further clarify the decision.

Cleanups will result in a one foot excavation of entire yard. Mature trees will be protected, and all plants replaced. The soil will be sent to a plant for reuse or to the Midland landfill. Topsoil will be replaced and hydro-seeded. Work will be done to protect houses and hardscape, and will not get within a foot of the house. A workplan will be developed to identify details, Dow will probably hire subcontractors to perform the work.

Questions from the CAG included the following:

- How did number go from 90 ppt to 250 ppt? MDEQ looked at new exposure data and Midland-specific information including local climate, bioavailability of soil (how much contamination gets into the body from ingested soil), and contribution of soil to house dust in Midland.
- In the past, the state has not allowed composite sampling, why is it being used now? MDEQ does usually use discrete sampling but reserves the option to use composite sampling. It is not right for every situation but a good option for this situation.
- What is the public response to date? About 500 attended a meeting on March 1, there were many of questions, and people were engaged in the process.
- A CAG member asked about crawl spaces. Questions were also posed about crawl-space and basements at the public meeting. The contamination is basically restricted to the top 12 inches and the limited exposure in crawl spaces and the excavation to construct any subsurface features would have removed any potential hazard.
- Will this set a precedent for larger floodplains? It is too early to tell. The 250 ppt number makes sense for Midland, but on the rivers there are different types of contamination and soils. This does set a standard for the City of Midland for all property contamination attributed to the Dow plant. 12 inches was identified by sampling at depth to show that below 12" there is no contamination above 250 ppt.
- How was bioavailability determined? Rat and swine studies were conducted.
- Has EPA taken a position on this decision? MDEQ has worked closely with the EPA RCRA program including getting peer review. The 250 ppt number was based on a recently released number on non-cancer risks. EPA's reassessment has been going on for a number of years, and this needed to get done and this is a good number from that standpoint. EPA is not setting environmental or cleanup standards, all decisions are based on site-specific risk assessment.

5. Public comment

Public question and comments were offered throughout the meeting. One additional comment was that Lone Tree Council did not support the 250 ppt action level for Midland soils as they believe that too much contamination will be left behind. It is not completely clear all the assumptions that went into that number. In talking with experts from around the country, they believe that the bioavailability number being used may not be protective of public health.

The meeting was adjourned at 8:17 p.m.