

**Saginaw-Tittabawassee Rivers Contamination CAG
Full CAG Meeting
Memorial Park, Freeland MI
Thursday, October 27, 2016
6:00 PM – 8:00 PM
DRAFT**

CAG Members Present

Peter Bagley
Charles Curtiss
Leonard Heinzman
Joe Kozumplik
James Krogsrud
Terry Miller
Luis Mulford
David Sommers
Joel Tanner

CAG Members Absent

Drummond Black
Michael Kelly
Jim Koski
Laura Ogar
Lee Pavlik
Nancy Pavlik
Bryce Wakeman
Bob Wiese

Ex-Officio Members Present

Support and Agency Staff Present

Doug Sarno, CAG Facilitator

Doug Sarno called the meeting to order at 6:00 PM. Agenda items included:

- Finalize CAG Recommendations for Segment 4/5

Copies of all meeting summaries and presentations are available at www.saginawcag.com.

Materials and additional information on the Dow Chemical Site including all presentations from CAG meetings are also available at the EPA web site at <https://cumulis.epa.gov/supercpad/cursites/csitinfo.cfm?id=0503250>

1. Segment 4/5 Proposed Plan

The CAG greatly appreciated the help of the TAP contractor and the ability to ask questions and get additional knowledge in conducting their review. The CAG seeks to fix the acronyms from the TAP report so that they are all clearly identified.

The committee talked with the TAP contractor on a conference call to discuss their comments and talk about the key issues for CAG consideration. Then the CAG committee identified the areas most important to the committee in crafting the CAGs recommendations.

The committee presented its recommendations for consideration by the CAG.

Review of the draft recommendations (see Attachment 1)

Issue 1. Monitored Natural Recovery (MNR)

Goal: The committee is looking to better understand why MNR is being called out specifically and how this compares to decisions made in Segments 1-3.

Discussion: there were questions about how EPA determines the hazard present, how this relates to other cleanup levels, and how the community can understand what was left behind.

This recommendation was approved as proposed.

Issue 2. Monitoring

Goal: The CAG seeks to better understand how to put assurances in place for perpetuity and how long-term monitoring will work.

Discussion: There is concern about the frequency of monitoring and when it will start. It was noted that EPA will be talking about long-term monitoring program over the course of 2017.

This recommendation was approved as proposed.

Issue 3. Concurrence of resource protection specialist.

Goal: The CAG believes it is important to understand who else has reviewed these decisions and communicate that to the public.

Discussion: In particular the CAG wants to ensure that agencies engaged in understanding environmental impacts and recovery are engaged and their input is being used.

This recommendation was approved as proposed.

Issue 4. EPA web site.

Goal: The transition to EPA's new web platform is still not smooth. Expired links and old pages need to be cleaned up. The CAG is concerned this prevents some people from accessing the information they need.

Discussion: The CAG was pleased to find the hard copies of the documents in the library.

This recommendation was approved as proposed.

Issue 5. Contaminant levels and concentrations.

Goal: The community would like to have good tools to better understand the final levels of contamination both where remediation has occurred and where it was not.

Discussion: The community needs to have key knowledge about concentrations and volumes of contamination from original state to post cleanup, and then as the conditions of the rivers are monitored over time. The community needs this data in simple tabular and/or graphical form so that it can view the big picture over time.

This recommendation was approved as proposed.

Issue 6. Description of how the EPA makes its decision.

Goal: The community needs to understand how the risk based decisions are made.

Discussion: The basics of this approach need to be defined so people can access it at any time.

This recommendation was approved as proposed.

Issue 7. TAP consultant report.

Goal: The CAG believed that many of the comments in the TAP report were useful and sought to include this report as an attachment to its recommendations.

Discussion: The TAP consultant comments were useful to the CAG.

This recommendation was approved as proposed.

3. 2017 CAG Issues and Schedule

The 2017 calendar was approved as follows:

- January 16
- March 20
- May 15
- July 17
- September 18
- November 13

The meeting adjourned at 7:15 PM

APPENDIX A

SAGINAW-TITTABAWASSEE RIVERS CONTAMINATION COMMUNITY ADVISORY GROUP (CAG) COMMENTS ON SEGMENT 4 AND 5 RESPONSE PROPOSAL Final Committee Version, 10/26/16

I. Subject: EPA has requested public comments on the proposed cleanup plan for Segment 4 and 5 of the Tittabawassee River.

II. Background and Information Considered:

- The EPA presentation on Segments 4 and 5 proposed Cleanup Plan at the September 19, 2016 CAG meeting.
- The EPA Factsheet on Segments 4 and 5.
- Tittabawassee River Segments 4 and 5 (Ou1) Response Proposal, May 31, 2016.
- The CAG received a TAP grant for technical assistance and has entered into a professional services contract for an independent review of the proposed cleanup plan by Environmental Stewardship Concepts (ESC). The CAG considered ESC input as they identified the issues and recommendations provided below.

III. Agency Presentation:

- Sixteen (16) Bank Management Areas (BMAs) - Stabilization is proposed to be used at all BMAs.
- Two (2) Sediment Management Areas (SMAs):
 - SMA 5-1 will include a combination of removal, capping, and monitored natural recovery (MNR).
 - SMA 5-2 will be capped.

IV. Summary of CAG Discussion:

The CAG had a robust discussion of Segment 4 and 5 and the options provided by the EPA at its September 19, 2016, meeting. A CAG subcommittee, composed of Laura Ogar, Luis Mulford and Terry Miller formed to prepare these comments which were submitted to the full CAG for their review and acceptance.

Issue: The CAG is interested in more fully understanding previously documented effectiveness and performance of Monitored Natural Recovery, (MNR) at other EPA cleanup locations and how EPA made the decision to identify it as a specific component of remediation for SMA 5-1 as it has not previously been specified for use in this cleanup activity.

Recommendation: The CAG requests EPA provide further information to better understand how MNR relates to previous decisions for cleanup in segments 2 through 5 with information about size, location, extent of soil removal, capping, and MNR, and the contamination levels and depths in each and the particular issues related to accessibility, etc. that were used to decide what method was selected for the remediation. The CAG also requests EPA provide a summary description of previous performance monitoring and effectiveness using MNR at other locations.

Issue: A number of proposed cleanup aspects identify that long term monitoring may be needed at sites with contamination in-place, MNR, and at past cleanup remedy locations including capping and bank stabilization locations, and some may require monitoring in perpetuity. The CAG has questions on how adequate funding for these very long term obligations will be provided and maintained as industries merge and ownerships change periodically.

Recommendation: EPA should develop a Fact Sheet explaining the variety of long term obligations expected to be identified during course of this cleanup project, such as monitoring, maintenance, corrective action, etc., what financial assurance methods will be used and how they are to be maintained in order to meet these obligations in perpetuity.

Issue: The CAG has previously asked EPA if the cleanup remedies being proposed have been reviewed and have the concurrence of other resource protection specialists, such as fish habitat biologists, stream geomorphology experts, and others in order to ensure selected remedies are adequately protective under varying conditions. For example, have flood plain reviewers weighed in on the in-stream sediment capping proposals or have riverine habitat biologists approved the stream bank stabilization measures?

Recommendation: EPA should provide a section in the Fact Sheet, describing the coordination and resource protection agency review the proposed remedies have undergone and a statement if reviewers were unanimous in consent and/or identify issues of any dissent.

Issue: EPA's web site transition has been difficult, resulting in information on Segments 4 and 5 not as readily available to the public as previous cleanup proposals have been. While the EPA web address provided to the CAG works, public queries on frequently used online search engines (Google, Yahoo, Bing) show broken links and 'Page Not Found' for the Tittabawassee River/Saginaw River /Saginaw Bay Cleanup.

Recommendation: EPA should remove the old EPA pages that show up in web searches and/or repair the online links and/or enter an auto-redirect connection to allow for public access to the project documentation and specifically the Segment 4 and 5 cleanup proposal currently out for public comment.

Issue: The EPA Factsheet on the proposed Segments 4 and 5 cleanup does not identify or inform the community about the levels and concentrations of the contaminants of interest at the site, either through the use of a table or figure.

Recommendation: The CAG recommends that the EPA Factsheet on the proposed segment cleanup be updated to include the contaminant levels at each BMA and SMA location and the average concentrations in areas that are not being remediated.

Issue: The CAG recognizes that EPA is using a risk-based approach to making cleanup decisions, however the community would still like to understand how these choices are made and the resulting concentrations in the river.

Recommendation: The CAG recommends that EPA to create a fact sheet on its risk based decision process to better inform the public and include that with all decision materials.

Issue: The CAG recognizes there are technical considerations that are beyond the CAG's expertise to adequately comment on. The CAG has been provided a TAP grant and has obtained professional services for an independent evaluation of the proposed cleanup plan. Based on CAG concerns, the TAP contractor provided a more detailed technical evaluation than could be conducted by CAG members.

Recommendation: The TAP contractor evaluation report is attached and should be considered for EPA response as made on behalf of the CAG. The CAG has reviewed all of these concerns with the TAP contractor and passes along this information as issues important to the community.

Recommendation: As a result of the website search issues, difficulty in public access to the cleanup proposal and the desire to see information on contaminant concentration be included and shown in the Fact Sheet, the CAG requests that the Public Comment Period be extended or reopened for an additional fifteen (15) days.

Dated: ___10/25/2016_____

Saginaw-Tittabawassee Rivers Contamination
Community Advisory Group

