



Saginaw - Tittabawassee Rivers Contamination Community Advisory Group

Meeting Summary

**Full CAG Meeting
Monday, May 18, 2020
Conducted On Line
DRAFT**

CAG information, materials, recommendations, meeting summaries, and presentations provided at CAG meetings can be found at: <http://www.saginawcag.org>

David Sommers called the meeting to order at 6:00 PM.

CAG Business

Two new members were approved. Marcie Holman lives on the River on Middleground Island. Shelli Thurston lives in Saginaw and is the economic marketing manager for Bay City and project manager for Middlegrounds Landfill and CDF area. She also serves as Treasurer for Carrolton County.

There are two remaining CAG meetings in 2021.

- Tuesday, Jul 14 (confirmed on line)
- Wednesday, Oct 28 (location TBD)

EPA Project Updates

Mary Logan presented updates. The Tittabawassee, Saginaw River and Bay Superfund site includes 24 miles of the lower Tittabawassee River, all 22 miles of the Saginaw River and Portions of the Saginaw Bay. The contaminants of concern are a group of contaminants called dioxins and furans. We have been working on this site for a long time. Our management structure is focused on dividing the river into segments and moving upstream to downstream to avoid recontamination. Segment one is at the Dow Plant and segment 7 at the bottom of the river where it meets the Saginaw. Cleanup areas are designated as bank management areas (BMAs) along the shoreline and sediment management areas (SMAs) in the river.

Have been working on segments 6 and 7. In 2019 we selected a cleanup approach that includes stabilization of the 7 BMAs and capping and monitored natural attenuation of

the 4 SMAs. We will begin addressing some of the SMAs in 2020 depending on high water. We expect to complete this work in 2021.

We are also continuing work on the Floodplain cleanup. This is the sixth year of cleanup. We picked our first cleanup area in 2015 and began work that year. Site specific cleanup numbers were developed to address residential properties and undeveloped areas. If areas exceed the cleanup numbers, then they are excavated and backfilled with clean soil. There are about 4500 acres in the 8 year floodplain but we are finding that not all areas require cleanup. We expect to continue floodplain cleanup through 2021. We will get back into the field as soon as it is safe to do so.

Middleground Island. We held public meetings in March to proposed our cleanup plan. The island is about 175 acres, and we focused on residential properties to compare to EPA cleanup numbers to identify properties with contaminated soil in yards exceeding 250 ppt that are eligible for cleanup that will remove the contaminated soil and backfill with clean materials.

We found that 17 of the 45 sampling units in the residential area exceeded EPA's 250 ppt residential cleanup goal. Concentrations ranged from 14 to 1290 parts per trillion (ppt). The non-residential areas all tested well below the non-residential cleanup goal of 2000 ppt. Findings were in the range of 53 to 77 ppt. Overall, about 15 acres need cleanup which will result in about 35,000 cubic yards of material.

EPA is completing review of public comments. We started working from home on March 15 so it took us a little longer to collect all the comments that arrived by mail. We received comments from 14 entities including the CAG. Most of the comments focused on issues related to trucking and traffic. There is limited access to the island so we are very aware that we have to consider issues of implementation and safety.

EPA is working with Michigan EGLE to finalize the plan. EPA expects Dow to implement this work, planning during 2020 and construction targeted for 2021. There will be a transportation plan and health and safety plan which will include stakeholder input. A cleanup plan will be designed for each property working with the affected property owners. Still waiting for final sign-off of the decision which we expect in the next month or so.

CAG: There is a new brine company moving into town, is EPA aware of that and how can we work around that.

EPA: In our program, we work on cleanup of legacy sites, we can see if someone has asked for a permit, but I can't answer that now.

CAG: When will we see a response to our questions?

EPA: We have a process where we find a final decision and the responsiveness summary will be attached to that. All comments will be addressed then, but I am happy to discuss issues now.

CAG member: The brine company will be drilling a very deep well to tap into the brine from underground. None of their equipment will be in the river. They will be working with the Army Corps of Engineers to put in a dock to accommodate shipping.

EGLE: Brine wells do need to be permitted by the state and we could make that permit application available to you and help to explain all of the conditions of that permit.

CAG: One comment was whether folks could take advantage of the trucks being there to have their properties cleaned up even if not

EPA: That is something we can potentially work with Dow to accommodate but no discussion have taken place.

CAG: Can you give us an update on performance monitoring at the site?

EPA: I can give you a summary but we can look at a more detailed report in July. The monitoring program for the site has three pieces—biological affects on fish, performance on things that we have built like caps to make sure they remain intact, and third to look at overall transport of contamination and levels in sediment to see if they are going down. Because of extraordinary circumstances this year we can't do our normal monitoring activities.

Community: We have 16 vacant parcels south of Hodgekiss and want to know if those are classified as residential?

EPA: Yes we did, we considered them residential because they could be development

Community: We own 3 parcels just south of Magma Gems on Midland Road and want to understand if it has been cleaned up?

EPA: I would suggest you give us your

Community: Where did all the dirt go from the cleanups in the Tittabawassee?

EPA: Most has gone back to the Dow facility to be managed there.

Community: Will the Middleground Island soil go there as well?

EPA: Potentially but that has not been decided yet.

Community: With waters rising will that bring dioxin to the surface as well?

EPA: No, dioxin likes to grab onto solid material, does not go into water easily.

Community: How far down will you dig?

EPA: At least the top foot, if there is deeper contamination we will go down to two feet.

Natural Resource Damages Settlement, Restoration Plan and Projects

Lisa Williams USFWS provided this presentation.

Reached a restoration settlement with Dow that includes both funding and projects. The trustees role is to reach an agreement with the polluter regarding how much damage

was done and the appropriate settlement to make restorations, the goal is to get to a point where everyone is satisfied. We can't undo past damage, but we look at what those injuries were and types of activities that could help improve the environment moving forward.

NRDA is separate from the cleanup. EPA and the State of Michigan conduct the cleanup. NRDA is conducted by the Natural Resource Trustees. We assess injuries to the environment and loss of services and determine the restoration needed. The restoration timeline depends on how quickly the cleanup is done and the principle is that the polluter pays for the restoration work.

The settlement with Dow includes payment and conducting specific projects. There are a variety of projects in this settlement, because there are a variety of injuries that occurred.

The Trustees collected ideas from the public and local stakeholder groups over many years about restoration ideas and projects. We evaluated restoration ideas using NRDA specific criteria. Trustees and Dow worked on projects that could address multiple categories or injury or losses in the same project.

Overall we will restore and protect about 8,000 acres and improve fish populations in the rivers and bay. Will provide at least \$5M for future projects with public input and will provide up to \$10 m for future projects.

There are 13 specific restoration projects, 8 that Dow will implement, 5 for trustees and partners to implement and 2 additional projects for agreement between Dow and the State.

Dow has to meet performance standards and maintain the projects for 5 years or until the performance standards are met.

Looking at the projects from Midland upstream to downstream:

- Eagle Ridge, 140 acres next to Stratford Park, will connect with trails, trails, overlooks, parking. Already in pretty good shape, just needs to get connected to the public and some habitat improvements.
- Midland fish passage, Dow Dam will be reworked to allow fish passage. Not sure of the exact design yet but could be a step pool system or a more gradual structure.
- Tittabawassee floodplain restoration, 490 acres owned by Dow to be opened to the public with bike and nature trails with overlooks to the river.
- Tittabawassee River Green corridor, 2,000 acres of conservation easements that Dow has been creating as part of the floodplain cleanup will be used to create a green corridor so it is being recognized by the NRDA.
- Thomas Township Nature Preserve, 60 acres, \$1M in the settlement will be used for habitat, trails and river access.

- Shiawassee Nat Wildlife Refuge Restoration improvements to about 2,700, three projects to improve water flows, fish spawning areas, and areas for migratory birds and waterfowl. In addition, Dow purchased approximately 150 acres around the Green Point Environmental Learning Center, and another 200 acres to expand hunting.
- Saginaw Riverfront Park, DNR and Saginaw County Parks will get \$1M for habitat improvements, trails and long-term care on 322 acres, many potential trail connections.
- Bay City Area Projects, 415 acres of Dow land will be restored to prairie and wetlands. Hoping that this land will help to connect people to the environment.
- Bay Sail docking facility and education center, Dow to provide land and other support
- Lighthouse Renovation to open the Lighthouse to the public.
- Saginaw River Mouth Boating Access site Expansion, 50 more parking spaces, expand from 5 to 8 boat launch lanes.
- Saginaw Bay Spawning Reefs, \$1M to expand spawning habitat.
- \$500,000 to Saginaw Chippewa Tribe to expand and link nature preserves near Saginaw River and Bay.
- An additional \$5 million for projects with public input, expect additional proposals in about a year.
- Overall will restore 8000 acres

Restoration ideas are welcomed by the public at any time. There will be a formal request for ideas once the settlement is finalized. The settlement is currently in a judicial review process, judge could decide to sign it and it becomes effective, or could ask folks to appear and testify or ask for further clarity, we have not heard anything since the May 8, 2020 motion for entry, but we all want to see work started in 2020, so Dow has been working to have plans ready to go for Eagle Ridge. Once the consent decree is signed, we start all of the timelines to start getting projects moving and collecting money.

CAG: Will bike trails tie into the existing bike trails in the area?

FWS: That is the vision that these trails will ultimately all connect, Dow would probably fund the regional bike trail coalition to implement these trails rather than build the trails themselves so the whole process would be seamless.

CAG: Are there any plans to educate the public about access to all these wonderful opportunities?

FWS: Right now we have not gotten that far, the only thing that links these projects together are the maps on our web site. All these projects will have some level of signage and we are looking to have consistency across the areas. It will not be all the same organizations running the different projects, we want these all to be community based. The city of Midland will be involved in Eagle Ridge, Chipewa Nature Center at Greater Midland. We expect this to evolve as we go, we will work with local groups like Park Districts and the CAG and we are very open to ideas.

CAG: How long have these negotiations been going on, what is the ultimate sum Dow has committed

FWS: More than 10 years, on and off, we could not reach a settlement like this until we had a good idea of what the cleanup looked like, With the total amount, I don't know exactly what they will spend on those 8 projects but our total value estimate is worth about \$77 million.

The next CAG meeting is Tuesday July 14.

The CAG thanked both presenters for their great presentations.

The meeting was adjourned at 7:30 PM