



Meeting Summary

Full CAG Meeting

Monday, May 20, 2019, 6:00 PM – 8:30 PM

Thomas Township Public Safety Building

8215 Shields Drive, Saginaw MI

DRAFT

CAG Members Present

Ruth Averill
Peter Bagley
Pamella Binder
Charles Curtiss
David Fisher
Michael Kelly
Leonard Heinzman
James Krogsrud
Luis Mulford
Terry Miller
Mike Nusbaumer
Laura Ogar
Kevin Quiggle
David Sommers
Joel Tanner
Bob Wiese

CAG Members Absent

Merri DeSanto
Virginia Thibodeau

Ex Officios Present

Mary Logan, USEPA
Todd Konechne, Dow Chemical
Joe Victory, Michigan EGLE
Lisa Williams, USFWS

Support Staff Present

Diane Russell, EPA
Janelle Pistro, Dow Chemical
Doug Sarno, Facilitator

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.

Project Updates

Todd Konechne, Dow Chemical provided the update.

Gearing up to move into segment 6 this year. Finishing up a floodplain property in segment 5 that we had not been able to do last year. The weather has been an issue so far this year, we are busy getting prepared for work this summer.

Overview of The Natural Resource Damage Assessment and Restoration Process

Clark McCreedy, USFWS presented this information.

The Saginaw River and Bay Natural Resource Council includes five representatives from the US Fish and Wildlife Service (USFWS), three Michigan State Agencies (DNR, EGLE, and DAG), and the Saginaw Chippewa Tribe.

The Natural Resource Damage Assessment and Restoration (NRDA/NRDAR) is the process whereby we address natural resource injuries from damages from the release of hazardous substances. NRDA seeks to make the public whole from the damages caused.

The Natural Resource Trustees are the Federal Departments, State Agencies and Affected Tribes as identified by regulation. The trustees work on the behalf of the public. Trustee Councils are unique in that they work by consensus, not vote, and all Trustees have equal authority.

Natural Resources include land, fish, wildlife, biota, air, groundwater, drinking water, and other resources and also consider services provided by those resources such as recreation, fishing boating, and cultural uses.

By regulation the natural resource remedy must be related to the injury. The remedy must right the wrong.

CERCLA or Superfund is the federal statute that directs federal response to hazardous substances. The Oil Pollution Act (OPA) is the law that responds to oil spills.

The 1998 GM Case involved the release of PCBs and the response was conducted under CERCLA. Under CERCLA, the polluter pays for the cleanup which can be conducted under the EPA's removal or remedial authority.

NRDA can assess and collect damages based on injury over time including past damages, interim damages (such as during response) and future damages from contamination that cannot be removed. We are ultimately looking to create a restoration that matches the injury.

CAG: In the methodology to determine injury, is there a public review process?
USFWS: Yes, we are subject to public review. The trustees are required to put together a restoration plan which must go out for public review. The report of the assessment is not subject to public review and is often not produced as a separate document. In the case of the Tittabawassee and Saginaw, those assessments will be available for public review.

CAG: Why is oil not included?

EPA: Petroleum products are excluded from CERCLA so as not to have competing regulations. Because the statutes are different, the regulations are also different.

Saginaw River and Bay GM Settlement

This project was in response to the release of PCBs and includes 22 miles of the Saginaw River, and 1100 square miles of the Saginaw Bay.

Damages included sediment, fish, migratory birds, and threatened and endangered species. The 1998 settlement was for \$28 million which included dredging, land acquisition and evaluation, resource restoration and protection, public access to natural resources, and cost reimbursement to trustees.

Projects included restoration of Tobico March to control water levels and improve spawning and fish habitat. Restoration of coastal wetlands. Boat launches.

\$5.5 million is still available to use for restoration in Saginaw River and Bay. Consent judgement controls use of remaining funds to a wide range of activities including dredging, activities consistent with designated uses, purchase and restoration of lands, enhance containment or environmental value of the Saginaw confined disposal facility, and other natural resource restoration projects.

There are regulatory requirements for these activities including the development of a plan and adoption by the Trustees. The plan must consider a reasonable number of possible alternatives, with appropriate criteria used to evaluate alternatives. The Trustees may define additional criteria to refine the development of restoration alternatives. That criteria is added to the administrative record which is always public.

The plan is available for no less than 30 days of public review with a response summary.

The alternatives must include a no action alternative, a stewardship alternative to improve and maintain existing work, a proposal-driven alternative which solicits input from stakeholders, and a collaborative conservation alternative which could include elements of all three of the above. The plan will ultimately identify a preferred alternative.

1998 Stewardship Projects included:

1. Saginaw River Mouth Restoration,
2. Restoration and maintenance of acquired Michigan recreational properties,
3. Greenpoint environmental restoration project. Shiawassee National Wildlife Refuge,
4. Charity Islands maintenance and monitoring project.

Also, a wide variety of projects are looking at monitoring of contaminants in the river and bay and in wildlife.

USFWS conducted a public session to gather input to possible projects. CAG members and other members of the public participated.

Update on Saginaw River Floodplain and Middleground Island

Mary Logan, USEPA provided this presentation.

There is some new information on the dioxin/furan data from the Saginaw River floodplain. The project includes the lower 24 miles of the Tittabawassee River and the entire 22 miles of the Saginaw River and whatever portion of the Saginaw Bay is affected by the contamination.

The lower 17 miles of the Saginaw River is actively dredged by the US Army Corps of Engineers,

The 2008 Current Conditions Report looked at all data from the site that existed and included 300 floodplain soil samples which showed much lower concentrations in floodplains on the Saginaw River

The Tittabawassee River Floodplain Cleanup included extensive public outreach and should be completed in 2020-2021. This included site-specific cleanup numbers of residential at 250 ppt and other land uses at 2,000 ppt. These encompassed all stakeholders who might come into contact with the contamination.

The 2018 Saginaw River Floodplain Screening looked at current conditions along the river. Four areas were targeted for sampling in late 2018. 6 of 11 sampling locations were sampled based on the ability to gain access. All of the samples taken on Middleground Island exceed EPA cleanup standards. All of the samples from other locations were within the limits and generally close to background. EPA hopes to collect the remaining samples in 2019.

EPA is currently looking to obtain and document historical information for Middleground Island, and develop and implement plans for communication and response to the elevated levels.

Middleground Island was originally used as a lumber mill, it was also used as a landfill in the 1940s and 1950s. The Landfill moved south of the Lafayette Bridge in the 1950s and ceased operations in 1984 and is remediated under MDEQ authority.

Middleground Island also has a confined disposal facility (CDF) near the landfill that was started in 1970s and dewatered dredge materials were used as a daily cover at the landfill. Portions of the island were also used for storage of river dredge materials.

It appears that these historical operations are most likely the reason behind the elevated levels of dioxins and furans in the current sampling.

Current use of island includes 175 homes and 67 other properties, governed by the City of Bay City and Frankenlust Township. The upstream part of the island is largely residential, the middle area commercial, and downstream parks.

EPA communication has begun with fact sheets, meetings with owners and other outreach activities.

Additional characterization will be conducted with sampling of residential, recreational, and other areas. Then we will develop our response actions to evaluate actions for interim exposure controls and develop and implement a permanent solution.

CAG: Have you had any interaction with the new playground planned?

EPA: Not yet, but we are sensitive to that, will do some sampling and coordinate with the parks department.

CAG: You sampled near the river mouth and some other locations, is this just preliminary, do you intend to do more?

EPA: These were all floodplain samples and the river mouth samples came back very low. We believe that it is most important to look at potential exposures for residential areas first and do more sampling in other areas later.

CAG: A lot of properties have changed over time with fill coming in, are you investigating local conditions first?

EPA: Are you concerned that cleaner fill might be covering contamination? We are just doing preliminary screening right now.

CAG: So this is an incremental sampling approach?

EPA: Yes, we took 60 subsamples from the surface that we mix together to get a better sense of the total area.

CAG: Have you looked at just residential areas so far?

EPA: Yes.

CAG: Do you know if the Army Corps of Engineers is taking any samples on Middleground in relation to their work?

EPA: I don't know, but they have taken some samples from where they now dredge in consideration of going deeper in future dredging and do look for other contaminants.

CAG: Where does PFAS fit in to this?

EPA: That is not something we are looking at right now.

We are trying to move as quickly as possible to get the information we need and will keep you informed as we move forward.

CAG: Have you had the chance to look at costs or benefits of abandoning the channel all together?

EPA: EPA has no authority over navigation. Congress authorizes the Corps and we have nothing to do with that right now.

CAG: Why were there just a few sampling locations?

EPA: We targeted residential areas right now, we will go back and look at the whole river as we move forward.

CAG: There are some houses that back up to the river at Arbor Street in Bay City, have you looked there?

EPA: We did not have that on our list for this time, but we will look into that in the future.

The meeting adjourned at 8:00 PM.

The next CAG meeting is Monday, July 15.