

**Saginaw-Tittabawassee Rivers Contamination CAG  
Full CAG Meeting  
Memorial Park, Freeland MI  
Monday, July 18, 2016  
6:00 PM – 8:00 PM  
DRAFT**

**CAG Members Present**

Peter Bagley  
Charles Curtiss  
Leonard Heinzman  
Michael Kelly  
Jim Koski  
Joe Kozumplik  
Terry Miller  
Luis Mulford  
Laura Ogar  
David Sommers  
Joel Tanner  
Bob Wiese

**CAG Members Absent**

Drummond Black  
James Krogsrud  
Lee Pavlik  
Nancy Pavlik  
Bryce Wakeman

**Ex-Officio Members Present**

Al Taylor, MDEQ  
Mary Logan, EPA  
Todd Konechne, Dow Chemical

**Support and Agency Staff Present**

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

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

- EPA Project updates
- CAG Planning

Copies of all meeting summaries and presentations are available at [www.saginawcag.com](http://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/csinfo.cfm?id=0503250>

## **1. CAG Updates**

### **Membership**

Peter Bagley was welcomed as a new member.

Armando Falcon's term has ended.

William Marsrow has resigned due to a change in employment.

The CAG is still waiting to hear from Lee Pavlik about his ability to continue membership as his health improves.

The CAG still needs better gender balance, members are asked to please continue to work to identify potential new members

### **Technical Assistance**

Environmental Stewardship Concepts (ESC) was approved as the contractor to serve as the consultant to the CAG for technical questions and issues under the TAP.

The CAG will work with EPA and Dow to finalize a contract. The contract does not guarantee any money. Work will be described and assigned in individual task orders.

The first task order will be to look at helping understand the pros and cons of removal vs. capping identified by the last recommendation committee, as well as assisting the CAG in recommendations on Segments 4 and 5.

### **Communication**

The CAG will explore moving the November meeting to Tuesday, December 6 to avoid the start of hunting season and the Thanksgiving holiday.

## **2. Project Updates**

Todd Konechne of Dow presented the update. Dow is currently working on full range of cleanup on segment 3: banks, floodplain properties. One of the banks is right next to Memorial Park, and one of the new informational signs is on the boardwalk outside.

Dow will begin work in August on in-channel activities, had been hindered by presence of a Bald Eagles nest. Work will continue through November. Everything is going well, and we are a little ahead of schedule.

CAG Question: What kind of the feedback are you getting from property owners? 99.9% very positive, they have been very cooperative. Generally happy with the work and professionalism of the contractors on their properties. No real issues.

CAG Question: Most of the work seems to be on the East Bank, is there any to be done on the west bank? If someone has not been contacted does that mean they do not have an issue? Yes, everyone with a potential issue for floodplains and banks in Segment 3 has been contacted, so if you have not been contacted then you will not have any cleanup needed.

CAG Question: If my property has been tested, can we get the results? Yes, we will be sharing those with everyone next year, but if you want the results earlier we can arrange for that.

CAG Question: I looked at the bank on the river and the sign, it talked about streambank stabilization only but did not talk about the dioxin specifically, was that intentional? The reason for the signs was to explain the cleanup activities happening in that area so people understand what they are seeing, how the bank stabilization was being done, and the different equipment

CAG Question: The properties with deed restrictions, are they getting copies of their sampling reports, DEQ results are purged after a certain amount of time? If people request the data, we provide it but we are not automatically sending it out to everyone. Ultimately, everyone will get a communication about how their property was sampled in relation to the cleanup levels. In the conservation program under Dow, deed restrictions are recorded by Dow with the register of deeds that they will keep the property at the same use as current and that they will not raise livestock. The restriction also includes access for Dow if Dow needs to work on the property in the future. Deed restrictions that may be instituted under different parts of the cleanup have not yet been determined.

CAG Question: My neighbor signed up with Dow and then sold the property, and the new owner has expressed that they do not have any knowledge of this, is that possible? The program is set up so that realtors are trained to explain, and any title that is performed search should identify the deed restriction and this should be explained to the new owner. We are seeing properties change over, and have gotten calls from the purchaser asking for more information.

CAG Question: Shouldn't the signage identify the rationale for the cleanup? We were trying to meet the needs identified by the local officials, there was no intention to leave anything out, it was just not the intended purpose. Not sure of the exact language, but there is no intent to hide anything, and we can certainly add it to future signs.

DEQ comment: bank cleanup is an iterative process, we are looking at the performance of the river and can always add more banks to be stabilized as needed.

**CAG Comment:** A one-page description or summary of these deed restrictions should be included so future owners understand what they are buying and what the restriction is all about. **EPA response:** we do have record retention requirements, so we can look at this and make sure we are doing everything we can to ensure homeowners are informed.

**EPA Action:** Mary Logan will check on this and see what is possible to ensure that future owners are getting plain language descriptions of what they are buying in that deed restriction.

**Requested information:** The CAG would like to see an example of what the potential buyers see as a result of the title search. Can Dow give us a quick understanding of how the process is working at a future meeting?

### **3. Segment 4/5 Proposed Plan**

Mary Logan provided an overview of the development of a proposed plan for Segments 4 and 5 of the Tittabawassee River Cleanup Plan.

Have lumped these two together because the work is so familiar that for the sake of efficiency it makes more sense to address these two segments together.

Mary discussed cleanup options for two types of cleanup as with past plans:

1. Bank Management Areas (BMAs)
  2. Sediment Management Areas (SMAs)
- These segments begin about 11.5 miles downstream, and comprise approximately 6.1 miles of the river. Segment 4 is 3.4 miles, 5 is 2.7 miles.
  - This section includes Island MM which was removed in 2011.
  - The segments include residential, undeveloped, and agricultural properties.
  - Tittabawassee Road Bridge, Imerman Park, and State Road Bridge are all within this area of the river.
  - Extensive investigations have taken place including chemical sampling, stability evaluations and biological evaluations.
  - 2,419 Sediment samples and 688 bank soil samples total were taken in this section (additional samples have been taken in the floodplain).
  - Looked at specific deposits to understand sediments that have been there a long time as they might contain higher levels of dioxin (the presentation shows locations of these samples).
  - Sampling was done in quarter mile segments to understand contamination over time.
  - In the 1800s as trees were being cut down, the banks were formed along the sides of the river.

### Key findings

- Dioxins and furans are key risk drivers
- Contaminants are not evenly distributed
- Riverbank and sediment erosion is occurring.

### Scope of Cleanup

- 16 BMAs have been identified between 150 and 650 feet long, comprising about 1.1 total miles of bank.
- 2 SMAs will be addressed, each about 0.7 acres
- how and when the sediments settled determine where these hot spots are located (a location map is included in the presentation).

### Why Clean Up?

Sediment deposits and riverbank soil are potential sources of dioxins/furans if they erode.

CAG Question: Do we understand how the river has meandered over time? Actually, this river does not change very much, the banks have not really moved over the period of time we are looking at.

CAG Question: Was groundwater sampled? Groundwater was sampled in the early part of the investigations and no contamination was found, not sure about exact locations that were sampled in this part of the river.

### BMA options

- Stabilize
- Removal and disposal

### SMA options

- Monitored Natural Attenuation
- Capping
- Removal and disposal
- Combination of capping and removal

The river is shallow in the summer so much of the work is not done from a traditional barge arrangement. In wet conditions the area needs to be dewatered so dredging is done in dry conditions.

### EPA 2005 Sediments Guidance

- There is no presumptive remedy for any contaminated sediment site, regardless of the contaminant or level of risk
- Both in-place and removal approaches may reach acceptable levels of effectiveness and permanence, depending on site conditions

### EPA Evaluation Criteria

- Effectiveness
- Implementability
- Cost

### The Superfund process

- Investigate contamination
- Develop cleanup options
- Public Comment period (this is where we are on Segments 4/5)
- Select cleanup plan
- Design
- Construction
- Operations and maintenance

Last year CAG suggested the following:

- EPA be clearer in its rationale in its summary documents.
- Refer to sections in the detailed report that talk about comparisons of alternatives.
- Better identify acronyms.
- Ensure public repositories have paper copies of technical reports.

This report will likely be about 100 pages with another 120 pages of pictures and figures, and lots of pages of data.

EPA asked for any additional ideas to make this information more accessible to the public.

### Process and Timing

- Proposed cleanup plan for public comment late summer 2016 (hopefully before the September CAG meeting).
- 45 day comment period (30 days required plus 15 day extension)
- Dow designs early 2017 through 2018
- Cleanup starts summer 2017 through 2018

CAG Question: is there an executive summary? Yes, and also a fact sheet. EPA is taking the CAG's comments to heart to make that fact sheet as useful as possible.

CAG Question: How many private property owners will be affected? About 10 in this segment.

CAG Question: Most recent sampling was in 2015, is there any intention to do any more this year? We have typically done some pre-design sampling to help refine the design.

CAG Question: Do we expect more people to attend public meetings as we get closer to the Saginaw river? EPA is working on a variety of ways to improve its outreach, EPA

goes directly to people's houses who are affected, so lots of those folks don't feel the need to come out to the public meetings.

CAG Question: Have you ever thought about putting signs at the parks or other locations? We have done a lot of different outreach, always open to more suggestions.

CAG Comment: The timeliness of information and repositories are really important, it is important to have the information people need when they need it and to make sure this information is located at the township level.

CAG Question: Are you looking at other contaminants in banks other than dioxins/furans? Dioxins and furans are the main contaminants of concern.

CAG Question: Can EPA make sure that biological habitat issues are included in the information available to the public regarding the decision? In the EPA administrative record there will likely be a formal comment letter from the natural resource trustees. This is included at the beginning of the comment period.

CAG Question: Are those comments available to us on line? Yes, they are in the administrative record. Anything that comes in during the public comment period are posted later. All of these documents are now available on line.

CAG Question: On the work to date have there been any concerns identified from NRD trustees on any of the proposed remedies? Trustees have had a general consensus to remove contaminants but also understand the challenges associated with that removal. In some cases, they have been very thoughtful in their comments. They want as little impact on trust resources at the end of cleanup as possible.

The CAG will look to get assistance from the TAP contractor on the issues of long-term effectiveness of capping as was previously identified in the review of Segment 3.

Terry and Luis and Laura all volunteered to serve on the recommendations committee for Segments 4/5.

## **Public Comments**

There were no public comments.

The meeting adjourned at 7:40