

MINUTES
CARD Meeting February 2, 2021
6:00 PM on Zoom

Attendees: Bob Bailey, Anne Bannister, Linda Berauer, Kathy Boris, Vince Caruso, Beth Collins, Jenni Conn, Jacque Courteau, James D'Amour, Bill Diesenroth, Bill Shakora, Jack Eaton, Kathy Griswold, Marcia Haddox, Dan Hamel, Jeff Hayner, Katie Jesaitis, Jillian Kerry, Rita Loch-Caruso, Kathy Knol, Patti McCall, Ralph McKee, Shana Milke, Rita Mitchell, Mike Moran, Charles Nielsen, Diane O'Connell, Evan Pratt, Cynthia Price, Roger Rayle, Jim Schulz, Kristen Schweighofer, Sue Shink, Harvey Somers

The meeting was called to order at 6:08

Roger welcomed everyone.

The minutes were approved after a revision by Mike Moran that when discussing the Trend Analysis, EGLE is not been working on it and hopes to have for the end of Qtr 1, 2021. The minutes were adjusted and approved.

EGLE Old Business

_____ Dan Hamel said the AG has not been able to get any data from the negotiations for the public.

5/2018 the Confidentiality Agreement has been seen and circulated through the CARD group.

The Trend Analysis was just discussed while approving the minutes, there is nothing new because they have not been working on it since the CJ4 was released, and hope to have one by end of 1st Qtr 2021.

The Compliance Wells at Scioview development were abandoned and are waiting through the court to identify that the CJ has been rejected, then they will proceed with where they will place the new ones, under the 3rd CJ.

Dan sent out the information on the MW's not tested with Jennifer Conn and Roger. Roger is still looking for some missing ones and will get with Dan on this. Gelman did make a mistake and did not sample the ones that were every 2 years, it was entered incorrectly in the database, so it was missed and those were done this past January. These monitoring plans will all be changed with a CJ modification the Judge will be looking at.

Dan stated EGLE/ WCWRC did send a letter to Gelman of violation of the MS4 Allen Creek drain and the illicit discharge. They will all be meeting together to decide the next step for the MS4 program. Vince asked about them testing the Allen Creek outfall where tubers are swimming in the HR in the near location. Dan will put this on the list for the next time they test.

There are no new dates on future sampling of the Allen Creek drain locations.

No new information on MW103s increase in concentrations since last Oct. They are waiting for the CJ decisions in the court as to the next steps. Dan discussed how the letters that were sent in 2013-14 are compliance letters and not as strong as a new CJ.

There is nothing EGLE can do about the HC/HR Bromate testing being in the wrong location. The City of Ann Arbor was not represented, we will carry this topic to the early March CARD meeting when Brian Steglitz may attend. This is a problem with the 2006 Agreement between Gelman and The City of Ann Arbor.

Other old business

Dan mentioned that DHHS has no information to change their screening number. Kristen said that the VI has a site specific screening number. They did take a look at 2020 EPA risk evaluation on the 2013 inhalation risk and do not see any reason to change anything. EGLE's promulgated memo has been sent to everyone.

Dan mentioned about Scio two shallow groundwater testing and drains in the area may be tested when they discuss at the upcoming WRD meeting about the MS4 also. Roger showed everyone around Park Rd in Scio would be a good spot to start.

Evan Pratt added that the attorneys were contacted immediately after they issued the MS4 violation to Gelman. Vince mentioned that the civil and criminal penalties should be enforced. There is much that cannot be discussed but we will all be able to see the briefs prior to the next CARD meeting. March 22-23 is the next Court hearing. Dan will send the 4th amended scheduling order to the CARDcore to send to everyone.

There is a public hearing 2/4 for Gelman to request a Stay.

Evan Pratt mentioned that MS4 drains are all the urban drains. He offered to send a map to CARDcore, but the file was too large for Beth to send. There are not many MS4 drains in the area, most are opened in Scio. Roger showed the drains he put on his Google Earth mash up, but we talked about security and what we can share and not share. Beth will work on getting the map placed in our CARD files.

City of Ann Arbor testing wet basements. Patti McCall has nothing new to report. Vince wanted to remind everyone that it would have been nice to consult with the knowledge of the CARD group before choosing the study area, so next time maybe they will do this.

The Superfund concurrence letter is still on the Governor's desk. There is not a lot that the intervenors can say, due to the Confidentiality Agreement. Katie Jesaitis, Debbie Dingell's aide confirmed that Congresswoman Dingell is following up with this and helping to move this along. She is getting all of the CARD information from Katie. The Polluter will try delay tactics at all costs.

EGLE Updates

_____ There is no news with the NPDES permit. We are still working under the old permit.

Ralph McKee requested more information about the upcoming court hearings and Gelman's Stay. The hearing will be open to the public and we will share this. Briefs have been filed and EGLE filed a response brief. Beth stated that the words are disturbing in the EGLE response brief, she had just sent it to CARDcore during the meeting. Kathy Griswold was going to reach out to Ryan Stanton. She is alarmed at the documents that discuss the intervenors and public as unreasonable. There was discussion about coordinating legal teams. The intervenors are all working together, but EGLE is doing its own thing and EGLE says that the amended (non contested parts of the 4th CJ) 4th CJ accomplishes the goals of the law and they are not with the intervenors in the dislike of the CJ. Gelman is acting like a bully and EGLE let's them. There may be meetings with EGLE and the Governor and that may be why the EPA

concurrence letter is still sitting on her desk. CM Hayner expressed his disappointment with what is happening with the political EGLE positions, but we appreciate Dan Hamel and our boots on the ground EGLE staff. All of CARD praised him. We could have an internal CARD statement, even though we are not intervenors.

There was discussion about what these court hearings were for and if the public has a democratic process to be heard. There are many moving parts. Jack Eaton put links on the chat providing the Motion for Stay and the Motion for Reconsideration. Beth sent EGLE's response memo.

Dan is updating the EGLE database in all their Listserv's. This will include the Gelman updates, we will all start getting again. There are 20 residential wells that have just started being sampled will be on this update now, they have been behind due to the pandemic.

Chair Update from Roger:

Roger showed us on Google Mashups the 2020 highest ever dioxane readings on the site, so far and without December data. Most are in the northern part. The Saginaw Forest and Smith property - 128s, are up to 3 ppb on the edge of the plume. Moving west. The theory is that it may be following the path of the tributary. This could be what's happening N and NW of Dupont Circle, where there is another highest ever reading.

The 2016, 2017, 2018 data that Dan got to Roger of re-surveying the x/y of certain wells, and Roger and Dan are still questioning the "why" these were re-surveyed? Dan asked Gelman and will let Roger know when they answer. The consensus from Roger was that the differences range from .7 - 170 feet different locations. Discussion about the impact of this.....it should be corrected. Data is being used with these incorrect coordinates. MW-14s was really off the correct location.

Roger talked about the information infrastructure on the site for when the EPA comes in. From the public comments that were received, it's clear we could do better on the information. Where are the meetings and documents that we discussed earlier. Maybe there could be a sub group to gather this information....combining the data from the intervenors and entities so the attorneys and others have the correct information. We will bring it up again at the next meeting.

CARD may want to have a sub-committee for press releases and getting information to the press. Beth added this to Old Business for next month.

Roger discussed options that were discussed at the last Scio BOT meeting, Mark Smith mentioned a new purge well, this was a mistake and Dan Hamel thinks he meant compliance wells instead of purge wells and that he has not heard anything to this effect. The homes there require a vapor barrier in all basements (in the homes restricted covenants), stopping any concern of V.I. on this site.

In 2009, analysis from a consultant to expand the PZ, said the E aquifer would never move to where it is now. The Deep E aquifer. So when we discuss expanding PZ's, we must remember that this has been going on and continues to be mis-managed and IS a big deal. All experts should be consulted with.

Other items:

Money spent on attorneys. Will discuss again next month.

Jack Eaton said that we should be alarmed that we are going to have a 2 day hearing instead of a full trial and we could spend another year in the appellate courts. This money will continue to be spent, unless a change is made. He stated he does not blame the attorneys, but now we feel comfortable that in the EPA process we will not have all the delay that Gelman has won all these years, and that our Congresswoman and Governor can help get this process going. Ralph said that the "full court press" should be implemented like we stated in the past and we would have to pay the attorneys and go "full on" with both paths. A 7 figure amount would be spent on legal fees. If the EPA comes in, we could stop litigation.

Kathy Griswold thanked everyone here, Roger and Dan Bicknell for all the work they have volunteered to work on. Thanking all those who came before us, and all those who have helped get us to this point. She recommended the book "The Tipping Point" by Malcolm Gladwell. Ralph said the "After 10,000 Hours" is another book for Roger and Dan to read.

The meeting was adjourned at 8:26

Compiled by Beth Collins, CARD secretary
