

Minutes- approved
CARD EGLE Quarterly Meeting
June 1, 2021 via Zoom

The meeting was called to order at 10:04 by Roger Rayle.

The May minutes were moved to be approved by Vince and supported by Roger. The minutes were approved.

Old Business:

Dan Hamel stated that the AG will not release any of the CJ4 data and information to the public. The intervenors have all been able to see the data. It falls under the confidentiality agreement.

Trend analysis review will be finalized with the court and a signed CJ4.

Scioview abandoned compliance wells will be identified and installed under CJ4.

Gelman will be sampling the Allen Creek drain next in the MS4 work plan. No new locations have been identified to sample. Mack school had no wet locations and seeps to sample currently. Regarding toxicology in children, EGLE notes no areas near children to check. EGLE Toxicology was notified and will respond if possible contamination around the schools is noted.

Gelman is updating extraction well rehabilitation and doing work on all the locations. This is normal activity and has been done in the past.

Gelman provided a Work Plan for the MS4 violation in the Allen Creek drain system. WCWRC is reviewing this now.

Beth mentioned that the Environmental Commission had a resolution about the MS4 violation at their last meeting. Rita Mitchell said that this is being worked on from the EC as an advisory to the City council. No action is being taken at this time. Dan Bicknell said that GEA had a chance to review the work plan and recommends installing permanent shallow monitoring wells where dioxane is entering the drain. He requests that EGLE and WRC review this data from GEA. Dan said they received it and that EGLE has mentioned a MW requirement to Gelman. Kathy Griswold asked the legal team to respond to the resolution from the EC and will be having a resolution supporting the WCWRC to the City Council soon.

Patti McCall said there have been no requests for wet basement sampling in the last 6 weeks. She will check and see if the First Sister Lake study will be released to the public. Jim Shultz asked about the V.I. issue and why we cannot get any V.I. testing on the west side of Ann Arbor. Vince said he has been asking for these tests for many years in basements in homes. EPA will be doing this. Vince also mentioned that the Mack School basement should be looked into. He also cannot find seeps right now. But we really need a meaningful analysis. Jennifer Conn mentioned that there is no testing for V.I. now for dioxane, it will be a new thing if and when we get to that. But that is why the basement sumps are being tested, because dioxane stays in water. She also said that she did analyze Mack and that there is no wet basement there and she will evaluate the seeps, if those are identified. Vince said these sump testing should be done more in the eastern area of West Park. CARD and Allen Creek Groups were not consulted with when this study was implemented by the city of Ann Arbor. Roger showed us where he thought the high concentration areas are (in Scio too) and then discussed how we will

get the residents to “want” to flag their home as having dioxane in the home and vapors, when we cannot get the polluter to do anything about it.

The HC/HR bromate sampling location is still being done in the incorrect location and we have gotten no response as to why and how to make the polluter do it correctly. The City of Ann Arbor does not care if it's done in the wrong location. Maybe EPA will and enforce the proper sample location to be done.

Kathy Knol gave a Court update that happened last week on the Order that the Court will accept. From her perspective, the intervenors argued that this is not a final order. Gelman wondered what the quarterly meetings would be. EGLE was looking into a full acceptance of the CJ4. The order states that this was NOT a final order. They cannot appeal, by right. Gelman is supposed to be implementing the CJ4 items immediately. The intervenors retain their status as intervenors and the Settlement agreements and stipulated order are not in this order. This in no way impacts the EPA process. There was some confusion at the May 3rd hearing, that all the CJ4 will be implemented and then only the things that are agreed upon. The Judge ruled that the elements of the whole CJ4 will be ordered. Mike Moran asked how this can be called a Consent Judgement, there is no consent? Will the intervenors appeal on some of these issues? Or wait and see what Gelman does? Ralph McKee said that his perspective is that the Judges actual ruling was different than the order. He went to the transcript where Roger told the Judge that the poison pills should not have been in there, but the lawyers from the intervenors put everything in the order. This is mind boggling that the order from the attorneys is the opposite of what their clients want. The order negates 1000's of hours of meetings and public comments and resolutions rejecting many aspects of CJ4. Mike Moran said that he agrees with Ralph, with NO consent and NO hearing on this decision. But he remembers that Judge Connors said that he wanted it all included, even the poison pills and the intervenor attorneys did not try to change it. Jack Eaton said that he agrees with Ralph and Mike. Neither party raised the issue of taking out the poison pills, they just went right into the whole CJ4. This is how the intervenor attorneys have been acting, without going back to their clients, but worked in a manner to undermine their clients. This is a pattern of conduct that is disturbing. He sees a future attempt to derail the EPA too. Over \$1 million has been spent and we have the flawed CJ4. The local governments never got control over their lawyers and here we are today.

Dan Bicknell gave an EPA Superfund update. The designation process is ongoing. EPA has identified a community involvement coordinator, Diane Russell, working with Michael Berkoff. They will probably split with Gelman 25-30 samples and want us to continue to work with the EGLE, unless there are any exposure pathways that come up. Mike Moran mentioned we should all get a list of what happened with CJ4 and the problems for EPA. Start a list. Josh Moser said EGLE has been in contact with a site assessment team and we will have a contractor on board.

Roger showed us the EPA link on the SRSW webpage. CARD needs its own website. This needs to be discussed more soon. Roger mentioned his frustration with not getting the data used in the CJ. His frustration with the attorneys doing what they want, no matter what the public says and we are back to using homeowner wells as de facto monitoring wells.

Vince is concerned that it has been 8 months since we have done surface water testing in the West Park area. We need to keep applying pressure on many of these items, like V.I. and seeps near schools.

EGLE Updates

_____ Dan Hamel said that the NPDES for Honey Creek is still in internal review. First Sister Lake potential NPDES is not in the works right now. We wanted CARD to go on record as requesting a public comment period for any First Sister Lake discharge.

Existing extraction well TW19 failed and it will be replaced. CARD wants to make sure they go down to bedrock in the new location.

Jennifer Conn informed us that the County collected 110 out of 121 samples. 4 have detections, all on Elizabeth Rd, and all had previous detections. Result letters get sent to the homes. This will be posted on the EGLE webpage. Dan Bicknell asked if the wells that were positive, were any of them higher in dioxane concentrations? One went from 1 ppb to 2 ppb.

Chair updates

Roger showed us the Elizabeth Rd well that went up to 2 ppb is on the north side of Elizabeth. He discussed Kevin Lund's Rockworks expert report and the data from April of 2021 and that EGLE has trouble getting sampling data into a system to share with the stakeholders. The thing that is really missing in this settlement and all the intervenor reports was to have modern data gathering/reporting techniques. To have this on an ongoing schedule. This site has had a serious lack of data. CARD has been trying to pull all of it together, so that we can really understand what is going on and so that good decisions can be made from all the entities. Roger showed us Rockworks models and what was missing, like the new PZ. It has good information, but doesn't cover enough. It does show channels, which is what we have seen and what Larry Lemke has projected going to Barton Pond area. Roger showed us the arrows in the Rockworks analysis, which ignores the arrows pointing north. Gelman's maps show the area going north, but where is it heading? The closest tributary could end up being affected and contaminate scores of homeowner wells once it does in Ann Arbor Township. Scio does also. These wells will get a hit long before it gets to Barton Pond. Many states regulate their dioxane to 1 ppb, so what do we do then? Is this going to be a new Flint water crisis. Roger pulled up his maps and mentioned that EGLE doesn't have this, the Judge does not have this, and it's the ordinary citizens who have the time and energy to compile all of this and be diligent about it. In fact, it has been suggested that some of CARD's information and data have been called "misinformation". This is all data that the company provided. Dan Bicknell showed that CARD has been showing EGLE the northern blip towards Rose Dr for many years. The Order deleted all the work that we accomplished all these months regarding the proposed 4th CJ. Roger showed the "holes" in the data. Josh Moser mentioned that we eventually will get all this data from Rockworks and Lund out to the public this summer. Roger inquired who the users were going to be? Dan stated that everyone will be. Beth asked if the incorrect information like East and West (that Lund used and stated incorrectly in his expert analysis) will be corrected? She got no answer. Roger made a comment that EGLE doesn't listen to it's users, us, the public. This is no way to run a government. It's authoritarian. Kathy Knol asked EGLE about the terms of the order, Gelman is to immediately implement the CJ. What are the plans of EGLE to enforce these terms in the order? Dan said that Gelman will have to submit a work plan and then they review it. Specifically the phytoremediation on site. What's the timeframe? Dan did not know.

Kathy Griswold discussed planning for the many challenges upcoming.
Roger again requested the Rockworks data that was used from the EGLE.

The meeting was adjourned at 12:14 pm

Minutes submitted by Beth Collins, CARD secretary