

CARD Minutes
August 3, 2021
Zoom meeting at 6:00 PM

The meeting was called to order by Roger Rayle at 6:08 PM

The July Minutes were approved by a unanimous Board vote.

Dan Bicknell brought up the question, "why are we recording the meetings, and allowing Gelman to see what we are discussing?" The thorough Minutes can be distributed to those CARD members who request them. There was some discussion about this and all agreed that a Sub-Committee should be formed to see what CARD should do to be "less open". CARD is not subject to the Open Meetings Act. Sue Shink will check with the attorneys at the County to see what they say. There are many who attend CARD who do not feel free to speak up at these meetings which are being recorded and distributed so openly to ALL, including to the Gelman attorneys.

Kathy Griswold moved to have a Sub-Committee formed to evaluate the openness of the CARD group. The motion was approved.

Old Business/ Action Items-

_____ Dan Hamel has no news on the relaxing of the Confidentiality Agreement.

Dan stated that the Sept 1st hearing with Judge Connors was "held/ stayed" by Gelman's appeal BUT the order to implement the CJ4 is not appealed, so should be started immediately.

Status of the Trend Analysis is the same and ongoing.

No change in the Compliance Wells being installed.

Work Plan on the MS4 Violation. Gelman will be sampling in the locations. He asked WRD to attend the next meeting. WRD/RRD and EPA will have a meeting on this with Dan Bicknell on August 25th. Vince wanted Dan Hamel to ask if he could attend the meeting. Dan will check.

Patti McCall has no update on the Wet Basement testing.

Court Update from intervenors- Kathy Knol stated that Dan Hamel covered some of the appeal and the quarterly update. The issues that Gelman raised in the application to appeal was due to the question of "how can a consent judgement be applied when one of the parties doesn't consent?" and that there was lack of due process. The traditional court proceeding never happened with witnesses and cross examination. The intervenor attorneys feel strongly that Gelman will have to implement all of the 4th CJ. If the Court of Appeals thought that the CJ was flawed, they would have dismissed or upheld all of it in their ruling. Kathy thinks that we need to not focus on the "poison pills" and focus on the positives with more remediation happening. Mike Moran asked if the prohibition zone was expanded already? He mentioned that there is more bad than good in CJ4, after all jurisdictions voted to oppose it. Jack Eaton mentioned that we should note that the polluter is challenging the 4th CJ that they negotiated....which is an odd position. And not a good position. He thinks that we have an upperhand now and that the public will come out ahead. Mike asked again about the expansion

of the PZ. Jack mentioned that the PZ has been expanded due to the new standards of 7.2 ppb. Those areas are in violation of the new standard and we need to focus on what they are doing to clean up the area to a lower ppb. Dan Bicknell said it is important to know where the PZ is located to see if they are in compliance or not, which would make them do a feasibility study and a clean up to halt the expansion. Roger said that the new PZ area is not over 7.2 ppb. Dan Hamel stated that the southern border is over 7.2 vs 85 ppb. MW 103 and MW 112. The Rockworks model estimates that the new PZ will take care of the ones who are over and the Polluter will be in compliance. Roger asked why the Triangle Property wasn't in the new PZ. Dan was not sure and will check on it and report back why this was left out. Beth asked why the intervenor attorneys are not going to oppose this court order? Jack said this is not a question at the Court of Appeals. There is a lot we don't know until the Court decides if the local court can make these decisions. The EPA will not be stopped and hopefully this is just showing what a failure the State process is. Beth asked about the Environmental issues with discharging or ruining a glacier made lake, and yes, the EPA will be watching all of this State and Court failure.

Superfund Site designation- Dan Bicknell gave a background on the EPA petition from 2106 and where we are now. He would like anyone with questions, including the press to contact Dan. Beth introduced Diane Russell, our EPA Community involvement coordinator. She is based in Michigan. She is working on the Kalamazoo River and the Trenton clean up. St Louis Michigan and the Wolverine site and in Flint too. She thanked us citizen volunteers. She wants to learn the issues we are working on and to put out a message as to how EPA can provide updates to the public. She said we shouldn't expect frequent updates and she would welcome any input on how and where we get information. She informed us of the COI (conflict of interest) with Tetra Tech, since they are the city of A2 consultant. EPA is pausing the SI work to check on the COI w/ Tetra Tech. Roger asked who chooses the sites for sampling during the SI. Diane stated that they decide, but if this group is curious, she will get that to us. Kathy Griswold welcomed Diane to our site and area and vote for the website to be the place for updates. Vince asked if she would attend our meetings, and she stated yes, but she won't always have an update. She talked about how the Superfund Sites and Community Advisory Groups work, and can be an existing group, like CARD. She put some links in the chat of advisory group grants for NPL and non Superfund sites too. Roger asked her to let us know how we stakeholders and citizens can help the EPA too.

EGLE Updates-

No new information on NPDES and he requested that the division attend a CARD meeting on the NPDES renewal for HC.

Gelman is replacing failed well TW 19 and was drilled/sampled to bedrock. August 23rd will be the tentative installation date. The new well will be TW 29. This was not due to the water main break on Maple, it was a well that just broke or failed. Beth asked that since this extraction well has been out of commission for 3 months, was there a decrease in pumping, and Dan stated yes. Some other wells picked up a little more pumping but it couldn't pick up all the loss.

EGLE has generated some groundwater contamination plume maps on their webpage under the maps tab w/ the 7.2 ppb.

EGLE will be posting some other GIS maps. Roger showed us the flawed boundary of 4 ppb in Scio Twp. Roger then pointed out the southern boundary where the numbers clearly went

beyond the last PZ. Roger also showed us where there are dis-continuous areas and he isn't clear why these areas were dis-continuous? Dan says it's from the algorithm. Roger also is working with Dan on some questions on when there is a discrepancy between EGLE's and Rockworks model. Which one is correct? Which X/Y and what is our acceptable difference of locations? Vince asked why the County map is a real "rough" map. How accurate are the Rockworks maps? Dan said that it is EGLE's very accurate depiction.

Chair Updates-

_____ Roger stated that there is much data from Rockworks that is not in the official database. He thinks we definitely need a central database including the State peripheral data that all the data is in that is open to the public. And that everyone is looking at the same data when discussing the plume. We have been asking the State this for years. And we should have the Rockworks data in the official EGLE access database. Dan Hamel said he has gotten the differences and discrepancies from Roger. The Rockworks team is working on some of this.

The County has initiated a new dioxane website and has added CARD. We still need to decide if CARD wants its own website? Roger wants to know what everyone likes about srs website, and that we should start a subcommittee. All those interested, email Roger. Dan Bicknell wanted to know why we need a website? Sue Shink said that from her perspective, if we rely on Washtenaw County, we lose our CARD perspective....and what the activists want to do and put on the site. CARD is the local entity for all of the input, from each intervenor, from all those involved.

Beth mentioned that Jenni Conn wanted everyone to check at the County's new 1,4 dioxane page and if they have suggestions, to get them to her.

Beth mentioned that at the Sept meeting we will discuss the Board positions and elections that will take place at our October Annual meeting.

Vince asked for more shallow testing all over the West Side and to add some shallow wells. This is needed badly.

The meeting was adjourned at 8:10.

Minutes submitted by Beth Collins, CARD secretary on 8-30-2021
