

CARD/EGLE Quarterly Meeting Minutes
September 7, 2021
Via Zoom

The meeting was called to order by Roger Rayle at 10:05.

The Minutes from the August meeting were approved by the Board.

Beth read a statement on the Executive Director position, which is now held by Jack Eaton. He was voted in by the Executive Board on Sept 1, 2021. Jack gave a brief statement and became the moderator of the meeting.

Old Business/ Action Items-

Dan Hamel stated that he had no update for the first 3 items on the Old Business. Jack asked if someone in EGLE could get the answers to these questions. Mike Moran brought up the idea that we need to stop calling it a 4th Amended Consent Judgement, because no parties consented. We could call it the Courts Order or June 2021 Court Order. Jack mentioned that the intervening parties have heard about the implementation, but when will the public be able to view the implementation work? Or what they have done so far? Dan Hamel says he knows what they have done and explained they are getting access agreements for extraction wells in the Rose area and Western Area. They've done some "work plan" that EGLE is reviewing. Dan will start posting the "work plan" on the EGLE website.

Kathy Knol asked if he had dates for the wells to be drilled and what the status is on the NPDES permits? Dan does not have any dates at this time, but thinks they will be started by the end of the year. NPDES renewal of the Honey Creek discharge has no updates, its been ongoing for 2 years. And there is the First Sister Lake NPDES, which has not been submitted yet. If that permit is not issued, they will not be required to install the Parklake extraction well. Josh Moser stated that Gelman is supposed to submit a quarterly report and that EGLE can just share that with us.

Mike Moran would like to see a Resolution requesting that if the Confidentiality Agreement is not waived in total that at least it be amended to permit release of all of the sampling data produced by the parties since the Agreement was put in place. At this point in the litigation, there is no reason to hide sampling data from the public. Rita Loch- Caruso is in hopes that the AG should be addressing 4a. And why is there no eastern plan discussed, when this area was an emergency down-gradient. Dan stated that until we gather more data in the eastern area, they will know more about a work plan that evaluates the eastern area. Josh stated he would talk to the AG office about 4a, and Negele said that the intervenors are all parties to the Order and they can seek a partial lifting of the Order.

Evan Pratt discussed that Tetra Tech is going to sample the groundwater adjacent to the Allen Creek drain in two locations (where there has been in pipe positive results) in September. Roger asked if the sampling be analysed with method 522? Evan said that he anticipated having much higher readings than needing to use 522. Tetra Tech rep, Allison said she thinks they will be using 522 method. Vince wanted to make sure that they are sampling in the correct area.

Jack mentioned there was a subcommittee that was discussing transparency of videos and that subject was tabled, the opposition was not represented and all who attended thought the meeting should remain public, but we will be working on revisions to the bylaws, stating that during a meeting any member can request the video be turned off.

Patti McCall has no new basement sampling. Residents will call her when they have flooding in the basements. Beth asked her about the EPA and Conflict Of Interest issue. EPA has decided that there is a COI with Tetra Tech.

EGLE updates-

CARD wanted to know when EGLE is having meetings with the polluter, and Dan stated that they will not be making lists of who they talk to or meet with, even if it doesn't involve the intervenors. The intervenors would like these meetings to be more inclusive. Dan said that, as the regulator, they are meeting with the polluter often (both larger and smaller meetings). Mike Moran said that there are other parties involved and the intervenors are excluded. Brian Negele stated that the Court of Appeals stayed the quarterly meetings or hearings and the CJ does not provide any input for the intervenors or any say into the Order. EGLE is proceeding as if there are no intervenors. He has had conversations with intervenor lawyers but there is not anything in the Court Order for intervenors to have any input. Kathy Knol is very concerned about the comments Negele just made. This new Court Order did not remove the intervenors. She has notified her concern to her attorney, that Scio Twp wants to be made aware of any meetings and a part of any discussions. It's not clear in the Order, per Negele. Mike asked that the intervenors take action to see if Negele is correct or if they need to take further action with the Court. Katie Jesaitis said that she was wondering who was invited/ informed to the Congresswoman Dingell? Negele said that he did communicate with intervenor attorneys. Beth said that the CARD group did not hear about it. Katie knows now that she will in the future be able to get the word out differently and not through EGLE. Jack said that State officials and electeds heard about it. Ralph McKee asked Josh Moser, since Negele has made it clear that he is going to stiff arm the intervenors, does Josh think that this handling of the Negele comments and the public perception now is that EGLE does not want the intervenors involved, or the public involved. He asked if this is NOT the perception EGLE wants, they should change the way things are. Roger stated that the intervenors have the public and activists observe things and know actual things on the ground. The State and regulator should be thrilled to have the public and intervenors involved.

Vince mentioned the testing in the West Park area should be more frequent than once a year. CARD has requested this in the past. Dan said they are doing surface water sampling in Sept for the yearly testing. Jack asked, If we wanted more frequent testing, who would we talk to about that? Dan said RRD and his Jackson office would be the place to start, with his supervisor, Andrea Munoz-Hernandez. Vince Caruso said that the Allen Creek testing was because we could not get more permanent shallow water testing. Jenni Conn wanted to remind everyone that the Allen Creek is a drain and not groundwater. Vince commented that EGLE did testing just upstream of West Park and found Non-Detect (0 ppb) indicating very likely, almost certain, groundwater contamination getting into the West Park Allen's Creek Drain.

Beth asked to clarify, that this is not stormwater at 49 ppb entering in stormwater, its groundwater getting in from some point with high dioxane in it. The more decisive tests that Tetrattech is doing next month will be more conclusive with this matter.

Dan mentioned the Western area gsi plan. He updated us on the new TW-29 well and when it started pumping. The power outage shut things down with pumping and treating during that time. And finally, the Red Pond was cleaned out.

Vince made a comment that he asked to be notified when Dan Hamel was having a meeting (with RRD, Evan Pratt, Dan Bicknell and Gelman) on MS4 violations recently and work plan discussions. He said he was sorry he was not notified.

Chair Updates-

Roger asked Dan about TW-29. It shows one of the Allen Creek drain pipes going right through the new TW site? It isn't showing up on the Rockworks maps? They got utility clearance before drilling so they didn't have any problems. Evan Pratt did see the note on this and will check on this to confirm the drain was not compromised.

TW-24 appears on Gelman's plume maps from the 1st Q maps, which shows it was installed in March, and we already have a reading of 1900 ppb, the highest concentration of a purge well in a dozen years, yet this location is outside the plume maps 500 ppb. Somehow they knew they needed a purge well there and what data did they have that we don't have that made 1900 not a surprise? Roger asked EGLE why this has not been addressed. Dan stated that this was an old well PM 1000. It was a rework, and was referenced in the 4th CJ. He will be getting a log and well information. It was not drilled to bedrock. [Update; TW-24's well log shows it was not drilled to bedrock, and did not include any interval sampling for dioxane.] Roger requested any other "historical wells".

Vince asked about vertical profiling or if all wells are sampled every interval on all new wells. Dan confirmed this.

Roger discussed the activities around MW-41s & d
Is EGLE aware of recent construction activity around MW-41s&d?

The locations for those two MWs as indicated by EGLE's Rockworks data and by Gelman's 03/04/2015 Honey Creek Investigation map seem to place the wells in the middle of the clear cutting and grading activity.

With top of casing for MW-41s&d being 8-10 ft above ground level (which is wrong), those wells should be easy to spot and avoid. MW-41s&d are the last two MWs in the centerline of the western plume following along the tributary there.

We can't afford to lose those wells as happened with MW-47s&d near Maple during construction there. Dan checked and said that they are fine. The wells are still available to be sampled.

July 2021 Excel file - Roger had problems opening it - Gelman replaced it but hasn't explained what went wrong.

The March 2021 report includes "system optimization" in the qualifier column for OUTFALL readings. Several ppb results for those days, March 28-31, were non-detect to 1.6 ppb... which begs the question of why such optimization cannot happen all of the time.

The June and July reports had extra (empty) "Bromide Results (ppb)" & "R.L. (ppb)" columns... which suggests that the generation of these reports was "by hand". That might

explain why those two reports were exported in .xlsx format instead of the .xls format used earlier.

These monthly reports are not formatted for easy analysis since they concatenate several discrete fields from the source database to use as the unique record identifier. (As such Roger only started using them for a quick analysis of what's happening because, since Jan 2021, CARD haen't been receiving copies of the DEQ-formatted results that EGLE uses to update their database. Nevertheless, Roger created a routine to flag which monthly readings are the highest ever readings to date for a well. There were 10 wells in the July report that equaled or exceeded their highest ever readings to date. One of those was the new extraction well, TW-24, which lacked well log and X/Y data.

Dan told Roger that the new replacement well TW-29 was not drilled to bedrock, yet Kevin Lund's report to the court stated that all wells were or will be drilled to bedrock.

Roger mentioned that the SRSW website is being updated, but we have no way to do a CARD website right now. He wants input from all the Stakeholders on what they want to see. The County's CARD site looks good, but we have no control over the content, so we should have a subcommittee on a Website update, etc.

The October meeting will be an Annual Meeting and election or reelection of the four Board positions. Beth needs these names of any nominations by Sept 27th. She will then email everyone with the names.

Zoom vs in Person meetings- tabled until Covid subsides.

We are keeping our November meeting on Election day at 6:00 PM

The A2 City Council will be having a special Work Session on Sept 13 on either spending money to upgrade our water treatment plant or getting our water from GLWA/Detroit. There are many concerned people about the tie in to GLWA option, with more chemicals, and non sustainability, and many factors. CARD will keep an eye on this.

CARD is signed up for a booth at the Mayor's Green Autumnal fair on October 1st. Please join us.

The meeting was adjourned at 11:54 am.

Minutes compiled by Beth Collins, CARD secretary

