

CARD Minutes
October 5, 2021
Meeting was via Zoom

The meeting was called to order at 6:05 pm.

Roger introduced himself and gave some housekeeping items, Jack Eaton will run the meeting.

The Sept minutes were approved by the Board.

The election of the current Board members were approved by the eligible voters. There were no oppositions. Roger Rayle as Chair, Mike Moran as Vice Chair, Beth Collins and Secretary and Vince Caruso as Treasurer.

Old Business:

Dan Hamel mentioned the request from CARD to remove the confidentiality agreement. EGLE has asked Gelman to release the data and they declined. Josh Moser wanted to tell CARD that EGLE will formally ask Gelman in part 324.201.17 to make an official request. Jack asked if there will be a request to the Judge. Dan stated "no". The request needs to be asked for by every party, including the intervenors. Kathy Griswold asked if the intervenors should provide a letter of support, through their attorneys? Dan was not sure. Kathy Knol said she spoke to Bill Stapleton today and wants to get clarification of what information CARD wants. Jack asked Dan to jot down the items that he cannot tell us, due to the confidentiality agreement. Roger said he wants all information on sampling and any data related to Gelman's dioxane in our waters of the State and any information regarding remediation. The AG has not made it clear if they will commit to supporting this request. Gelman has made it clear that they will litigate to withhold this confidential information to the public. Mike Moran asked if does gelman have data that eagle does not have"

when this was discussed with the AG, was it about waiving the CA in total, or was it about lifting some of the confidential testing data. Dan replied that discussions to date seemed to center about releasing the data covered by the Confidentiality Agreement. It was decided that at the next CARD meeting we will have a Resolution to ask the AG and intervenor attorneys to lift the Confidentiality Agreement. Roger then asked the question, "does the confidentiality agreement allow Gelman permission to break the law or violate regulations?". When asked whether the confidentiality agreement under Part 201 takes precedent over other laws, Dan answered that as with the MS4 program, sometimes the laws do not mesh well and that the court orders have taken "top tier" precedent. Roger stated that he'd like to see the company get back to the 1995 position of then Gelman president Kim Davis with regards to sharing all data because "it's the right thing to do". Hiding sampling data from the public is not good for Gelman's and Danaher's business. Jack opined that the judge probably would not agree data shared during negotiations should not be kept secret forever. Jack asked for volunteers to write a resolution to lift the confidentiality agreement w.r.t. Data. Dan Hamel stated that it was for information to be available to the negotiating "team" but to keep it from the public. He will get clarification from the AG.

Dan Hamel spoke to EGLE WRD and Evan Pratt will be meeting on the next steps in implementing the Allen Creek drain sampling work plan. The polluter has not yet done this. Vince mentioned that someone from CARD group should attend these meetings, CARD was instrumental in getting these basic tests to be done. Vince will volunteer to be this person. Dan said the meeting may not be open. Vince will reach out to Evan Pratt.

Patti with Tetra Tech has the preliminary data on the samples. They collected on two locations of groundwater outside the drain. West of 7th along Huron was 1ppb and the other one was ND closer to West Park. Once she gets all this data together, she will send it out to us.

Patti also discussed that there were no wet basement testing last month.

There was no EPA update from Dan Bicknell, Patti did not know about the EPA's choice for outside contractor. Katie Jesaitis mentioned that Debbie Dingell looked into this and the committee found that there was no conflict of interest with Tetra Tech, however because Tetra Tech has been working so closely with the Gelman site in the past, the officials wanted a different contractor than Tetra Tech, so they are looking into others now and expected to name the choice before the end of the month (October).

Jack Eaton said that there is not much new from the intervenors, other than the due date for the briefs for appeals. Beth asked (28:00 min mark she is noting for the First Sister Lake discussions at her neighborhood level) if at some point the intervenors will be asking to remove the poison pills like the FSL discharge. Jack said no, the order is in the appeals court. This cannot be brought up at the appellate level and we share the disappointment that this was not removed in the "order". Stephen Postema's letter stated that this permit is being applied for. Kathy Knol said that Bill Stapleton said the permit has not been requested, yet. Dan Hamel says that they are working on this permit and has not submitted it yet. There will be a public hearing on this. Kathy Griswold reminded everyone that the NPDES permit to discharge partially treated dioxane water into the First Sister Lake was overwhelmingly opposed by the whole city and county and the main reason why the 4th CJ was denied by the elected officials. When should the public start protesting? If the polluter does not get this permit, they don't have to treat this very hot spot. Ralph McKee had spoken to Bill Stapleton after the order was ordered and Stapleton said that if we get to that point about the lake the attorneys would ask the Judge to go back and change the order? This makes no sense to other attorneys at the meeting. Either we get the permit and dump the water into the lake, ruining the wetlands....or we don't get the high concentrations of dioxane removed. Jack stated that we are dealing with Gelman and they are not going to do anything unless they are ordered to do it. We all hope that when the EPA comes in, they will make Gelman do the clean up and pipe it away from a Nature Area.

Drinking water sources and the resolutions that were passed by Scio and A2 Township all encourage the City to update the plant and not look at alternatives. The City Council had a clear view that with our values we all understand that we should keep our plant up to date locally. Kathy Griswold mentioned that the Environmental Comm passed a resolution to stay with our water plant. She is troubled by the amount of staff time that was spent on the GLWA idea and the speed to which it was explored. An unnamed CM pushed for this and it is troubling. Community members are constantly asked to "right the ship" when these ideas are stabbed at. Vince thanked all the elected officials who advocated for this.

EGLE Updates:

The Court ordered Work Plan update. Gelman has been getting access permits from homeowners for the Evergreen area and IW2 area. They are planning on converting this well to a treatment well. TW29 replacement well on Maple is now up and running. The Rose/Valley well will be installing 3 test borings to decide the best location for the Rose well. They have also expanded the PZ and confirm there are no homeowner wells being used. In the Western area, they have most of the access for installing the new MW's. The extraction wells (minus the Parklake well) are the first priority per EGLE. TW24 is one of the 3 extraction wells that have already been in and running, with very high concentrations. They have had problems with the outflow levels being high for Bromate. They are doing burn pit preliminary work and they are working on submitting the NPDES for the First Sister Lake and the Parklake well. Mike Moran mentioned that the PZ homes on wells in A2 Township have not been looked at, to his knowledge. Dan will ask to bring to the next meeting.

Dan mentioned that EGLE will be updating the Website and the searchable tables. Roger asked Dan if the users of the EGLE website have any input on the website.

Dan is working on, with Gelman, the GSI portion of the work plan in the Western area. Vince asked what the GSI number is now, and Dan stated it is 280 ppb. Rita Loch Caruso asked what the screening level was for volatile dioxane or Vapor intrusion? Dan said it is likely to not volatilize and that Bob Bailey's study had numbers relating to screening for potential risk on a site. Rita thought that the table calls it a screening level and her question is still "does EGLE have a promulgated number?" Dan said, not that he knows of.

Chair Updates:

Roger discussed the summary of TW24 purge well and he had sent an email to the CARDcore group. This well was drilled 4 years ago and we are just now getting the data on it. The sampling for TW24 is much higher than what Gelman had been posting in data from the past years. Because of the Confidentiality agreement, this data has been missing for almost 4 years. Because of these high ppb numbers, Gelman is in violation of the NPDES at Honey Creek. There may be some other things in the water at TW24 to interfere with the pretreatment process. Was it dimethylformamide? Or PFAS? We need the data of what the Polluter used and is finding. We need our intervenor attorneys to get the confidentiality agreement lifted.

Roger discussed the Rockworks modeling and it is a good first step to help define some things, but it's only a first step. The team had to do a lot of data clean up to get to this point. Roger wonders how to get corrections, and was told there will be an annual update. This was taxpayer money to show the pollution from Gelman in our waters of the State. Roger is supplying more information for EGLE on the Rockworks updates. Roger showed us the tributaries that are missing from the Rockworks maps, the ones that Dr Lemke was concerned about the northward plume movement and these tributaries, so they are pretty important. There are many discontinuous parts on the maps also, but the maps are only as good as the data being put into it. Vince thought that we should ask for a Rockworks presentation and public engagement.

- The CARDcore group had been sent the Agenda with the Resolution asking for more shallow monitoring wells in the West Park area (when the Agenda was sent out 8 days prior to the meeting). Jack asked twice if anyone wanted to discuss this Resolution or even read it now, or have any questions or comments on the content of the Resolution.

Nobody mentioned any concerns and we then had a unanimous vote in favor of the Resolution. Jack asked if anyone was against or wanted to fully abstain, and we had no comments. Motion/Resolution passes by $\frac{2}{3}$ of eligible voting membership. Jeff Hayner abstained because he votes as a body at City Council, but he supports the Resolution.

[9-21 NSG Tests Resolution. with minor update](#)

A Subcommittee for a new CARD website was discussed. We asked for volunteers to be on it. Jack, Beth, Roger, Kathy Knol, Katie Jesaitis, Vince and Jeff Hayner volunteered.

A Resolution to Commend Roger Rayle was passed at City Council last night. We all thanked Roger. Roger stated that there have been so many involved and knowledgeable citizens who do what he does and what we all do. Roger was praised and thanked for his dedication to the pollution all these years as well as all the CARD group activists.

The meeting was adjourned at 8:00 pm.

Minutes were compiled by Beth Collins, CARD secretary while watching the YouTube of the meeting.