

CARD/ EGLE Quarterly Meeting Minutes
March 1, 2022
via Zoom
[20220301 CARD-EGLE Quarterly Meeting via Zoom](#)

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

The February minutes were approved by the Board.

Hailey Brown was introduced as Congresswoman Dingell's staff member who will be attending.

Old Business/ Action Items

Jack Eaton mentioned last month we spent much time on the name of the Court Order has no mention of the proposed CJ in the title of the Order, so it would be appropriate to call it the June 2021 Court Order.

Dan Hamel stated he will be calling it the Response Activity Order. EGLE sent out a request for Information on the release of data from the proposed CJ and removal of the confidentiality agreement. There was no response from the polluter so they have been sent a violation notice letter and a timeframe for Gelman to respond.

MS4 Violation- The letter was distributed from the Polluter, on the Allen Creek Drain, from Evan Pratt. EGLE now is stating that this letter is a GSI work plan which was revised. They are stating now (EGLE, WCWRC) that this is not an MS4 issue but rather a GSI issue. EGLE has been reviewing as a GSI workplan and they will have a formal response back to Gelman.

Dilution for the Solution of the Pollution.

Mike Moran asked if the AG knew about this. Brian Negele responded no. Mike thought that this was an important legal issue that AG Nessel should be made aware of how they proposed to respond to this issue. Kathy Griswold asked if EGLE's review would involve Christine Elwin. Dan stated that yes, she is working with RRD and her supervisor. She also mentioned that thank you to EGLE for an EGLE employee joining the Environmental Commission in A2. Vince Caruso mentioned that when Evan Pratt spoke at the E.C. meeting, he stated that this contaminated water is not hurting anyone. This is 49 ppb and a concern for many Ann Arbor residents and he was disturbed at this comment. And this letter says that 280 ppb is acceptable to flow through the city and into the river. Beth asked if there will be testing at the outflow into the Huron River on a daily basis. Dan stated yes, this will be part of the work plan. Rita Mitchell asked when a discussion would be made on an acceptable level? Jack reminded everyone that our state protection levels are extremely high and why we need the EPA standards to be in place.

Patti McCall said there have been no new wet basement testings performed.

Patti mentioned there is no news on the Sentinel Well program.

Court Update- Kathy Knol said that nothing has changed, the intervenors are still awaiting an oral argument date from the Court of Appeals. Brian Negele has no new information either. He did hear that the Court of Appeals usually likes to do this within a year, so it could be before or in May. Jack wondered if the briefs were public? Brian said that each team of lawyers have them. Ralph McKee asked that if EGLE is representing the citizens and

public, why can't the public see these briefs? Dan Hamel said he will ask. Jeff Hayner said he emailed the attorney and will try to get these. Sue Shinnk said that they are due to have a County closed session meeting and she will ask these questions. James D'Amour asked if these motions are available at the Court, and Jack said that they will charge us, if going that route, so we will try to get them from EGLE or the intervenor parties. Roger reminded everyone that one of the parties in the case that kept Gelman from discharging high concentrations of dioxane into Honey Creek and he had trouble finding these documents and information, but it is important that all the decision makers should have and know this information.

Superfund designation update- None from the Dingell staff. Diane Russell is present and the Website is still what they are working on from the Assessment Team and sampling plan. The site team's policy is to only share sampling locations for assessing limited areas for hazardous rank scoring. There will be much more sampling in the future. Jack mentioned that we all understood this will be a slow process and thanked Diane for attending and explaining the process. She said Roger's notes would be welcomed by the whole team and he can go through Diane. Vince asked if there was any idea "when" this will be listed as a Superfund? She said it can take a couple of years. Then the clean up plan will take several years before "action" is taken. Roger said he wanted the team to have all the data that we have and the history of the site. Diane said that if EGLE has it, the EPA team will have it, but Roger states there are other data.

Scio Testing of Homeowner Wells- Kathy Knol discussed the Town Hall meeting on Feb 17 for residents. There was a panel of professionals and residents submitted questions in advance and live during. Many were answered and many were not, they will be making a list of them and all unanswered questions will be sent out and tried to be answered. There were 125-150 residents with positive resident feedback. Some questions were raised after the meeting. There was a map that showed the dioxane volume decrease by EGLE geologist. Beth mentioned that the question asked to the panel was "is there modeling that would help show where the plume is moving next and future pathways of this movement?" (like what Patti has done in the northern A2 area where we are placing the Sentinel Wells). The video shown was of the highest concentrations of dioxane near the core and how it has decreased over the years, due to pumping and treating the high areas? This does not answer the question asked and seemed deceiving, because the topic of the Town Hall was about the plume moving into homeowner wells. The rockworks' video made the illusion that the plume is shrinking, and it clearly is not...thus the contaminated wells and shallow channels. Dan Hamel stated that the map shown was showing that the hot spots are going down. It is a static model and not a prediction model. The CARD group is still confused, the meeting was about the fingers of the plume moving outward. County staff mentioned that we could ask Dr Chris Svoboda about why he showed that for the question asked and invite him to a CARD meeting to explain. Ralph McKee mentioned that if the core plume is going down, it's because it's spreading outward, which is how he took this data and map. Roger said that it is 4 things involved. 1- yes they are removing dioxane, 2- the dioxane that isn't removed is spreading so the high concentrations in the middle go down, leading to higher concentrations (at a lower levels) moving outward, 3- we don't know where all the dioxane is so we don't know where the high concentrations are, because we haven't had enough sampling to show where it's spreading, 4- there is natural attenuation going on around the plume and we don't know where these are, there is also called

permeation areas in the clay that is pulling some of the dioxane as it moves. Andrea Munoz-Hernandez agreed with Dan that the maps are all based on historical information and what Dr Svbeda put together. Vince mentioned that we don't even really know how much 1,4 dioxane was dumped into our waters and we have not been testing down to bedrock and should be doing this. Dan stated that the new sampling is being sampled to bedrock to get geological samples and testing every 10 feet as part of the Response Activity Order. Roger clarified that Gelman has taken out more dioxane than they estimated was used. They estimated 64,000 pounds, then they upped it to 80,000 and have removed about 115,000 pounds to date. At the recent Town Hall, Ketih Gadway used the old estimate of 800,000 pounds used; the later official by Gelman estimate is 850,000 pounds. The people who are weighing in on this should have the actual facts and current facts. Rita Loch-Caruso agreed that the impression that was given by Dr Svbeda gave the impression that the plume is shrinking. She also asked about the reasons the dioxane could be decreasing in the center and the bottom line is that the data was scant and very thin data and caution to jumping too quickly to explain decreases.

There was a comment made from Keith Gadway about neighboring homes not being required to all test, because they are all the same? Beth stated that in Westover, her well was at non detect and her neighbors was at 1800 ppb due to the many aquifer layers.

Team Dingell is taking notes. Diane Russel was at the Scio Town Hall and gave an update on EPA there and a link to the website.

We discussed how great it is that Scio is using the 522 Method. The City of Ann Arbor and Ann Arbor Township tests with the 522 Method also. Roger stated that in the higher concentration areas, the older analysis method is ok, but when testing the outer perimeter areas and homeowner wells, the lower detection should be used.

Dan Hamel mentioned that they have not adopted 522 (detection of .2 ppb) because they are going with Michigan state risk numbers and it is more expensive due to the bottles used in 522. The EGLE lab will start being able to test a lower level now and down to .5 ppb. This is good news and they will be using this for the spring residential well testing.

KOC development has no new news. It was tabled in the Planning Commission due to the Community Well they are proposing to use.

EGLE Updates

Dan stated that the progress is happening in the western area and completed installation of 6 MW's. MW 142, 143, 144, 145, 146 all locations are sampled to bedrock, except for the 2 replacement wells. There are 2 other locations I and J on the map are in negotiations in these locations to install MW's. In the eastern area a MW cluster was installed on Lakeview Ave and location E next to the Montgomery well and 1-3 MW's will be installed here. Gelman is in negotiations with the City of A2 about city ROW installations for installations in the PZ. They are converting an extraction well into a MW. The GSI evaluation has been started. Roger asked Dan that if they are not requiring vertical profiling on replacement wells, is it possible that dioxane could have made it to the other locations or levels since these were originally placed? Dan said this was negotiated in the Response Activity Order. Roger talked about science vs lawyers. EGLE would require more if there was more in the Court Order.

Rita Loch-Caruso mentioned that activities related to the Response Order authorized discharge of the plume to the Huron, and the entire eastern plume is authorized to go under the

city and be allowed into the Allen Creek drain. She thought that this was fought from the City years ago. Is Gelman really allowed to discharge into the Storm System drain? Mike asked that this is why he asked if the AG was notified of this.

Beth gave a 2 minute speech on pleading with EGLE to expedite (and deny) the NPDES permit of the Parklake well. That this discharge was overwhelmingly opposed due to the natural features, homeowner wells adjacent and harm to the public. Dan stated that this permit has not been submitted yet for the First Sister Lake. We cannot make the polluter submit this, even though this is in the Response Activity order, there is not a scheduled item or time requirement. There was no WRD staff attending and Dan was asked why they do not attend anymore? Dan stated he will invite them again. Ralph mentioned that he remembers when the CJ4 was proposed, it was proposed as this great Parklake Extraction well and why now do they have all the time to apply for and implement this well, which means they actually never have to implement this well or apply for the permit.

Dan will make sure that Scio data will get into the EGLE database. Rob Pattison asked if there is a number for this new EGLE testing? Dan said it is called EPA 8260-SIM. Gelman's method is EPA 1624-C.

Chair Updates

Roger showed us a new interface [Google Slides of his notes with links](#), he will share with CARDcore.

He showed us that EGLE's Wellogic database has 30-80% errors, he hopes that Washtenaw County's portion is better than this.

Scio's testing of wells with 522 has a map, and the locations of where sampling will be done and all of the homes with current drinking water wells. Roger showed Dan the draft spreadsheet for Dan to use to import the dioxane data for the wells that Scio tested.

He has been comparing the missing x/y data on EGLE's Gelman database with what's available from the Rockworks modeling.

Roger showed us the Google maps of the secret sampling from 2017 at the marshy area where there are high levels of dioxane. These sampling results are being withheld under the confidentiality agreement. This secret sampling was done a month after the confidentiality agreement was signed. We have the X/Y locations of the data samples from the Rockworks modeling but not the dioxane results or sampled depths.

There are a couple of new papers just published . One from Larry Lemke of missing dioxane study, we don't have enough data to show how much of the decrease in dioxane is from attenuation or how much is getting by the MW's and testing sites? The other was a UMSPH report on Vapor Intrusion. We will have to wait for the public version to come out.

MS4 violation- the lawyers say part 201 trumps part 31. Gelman submitted a work plan and we should see it soon. Roger asked Dan to make public any work plan as soon as they see it, so the public could weigh in. This would give Gelman a "pipeline" to the River, i.e. the Allen Creek Drain with up to 280 ppb going into the Huron River.

Roger is doing more with Tableau Public. He showed us some of the updated imaging.

The meeting was adjourned at 12:10

Minutes compiled by Beth Collins, CARD secretary