

CARD Minutes
May 3, 2022 via Zoom
[20220503 CARD Monthly Meeting via Zoom](#)

The meeting was called to order by Roger Rayle at 6:07 pm.

The April Minutes were approved by the Board.

Old Business/ Action Items:

Jack started by saying that the first item is listed as removal of the confidentiality agreement, but it's really just having the State request that the data be released to the public. Dan has no new information in a change in the confidentiality agreement. He did not like the statement of EGLE backing down. I changed the wording to state that EGLE has postponed enforcing the polluter to comply. They did send a NOV last December requesting information. The next step would be to bring an action in the circuit court under part 201....but in this case the court rules are in the appeal and the rules bars the court from amending the orders. Because of this rule, EGLE is not going to enforce this item at this time. The AG will be at the Quarterly meeting and can answer questions at that time.

MS4 violation update. Dan was confused at the request for data from CARD. The data that the state has taken on the position of the Part 201 vs MS4 - part 31 GSI decision? EGLE is still reviewing the GSI workplan that Gelman submitted. They have not identified that it is strictly a GSI issue, yet. Vince reminded us that in the past, the City of Ann Arbor sent the polluter a notice that they were not allowed to infiltrate their pollution in and under the city. And the former Drain commissioner has denied Gelman to use our storm drains as a conduit for the pollution. He asked who has jurisdiction over this matter? Dan said he only knows about State regulations. Beth read Dan the minutes from last month where he said he would ask the AG about this. We need to seek local enforcement on this. City Council has had no closed sessions on Gelman and has a new city attorney. Mike Moran said that he wants to know what the intervenors attorneys states position. Rita Loch- Caruso said the Zausmer letter was disturbing because they make statements in it that the public and City has challenged this use of the storm drain. Glen Hendrix said that he thought that both regulations apply and that the polluter would have to comply with both MS4 and GSI. Dan said they are deciding and this is a complicated situation. Hopefully, at the next meeting we will have more representation to answer these questions from the Drain office who holds the MS4 permit and the AG. James D'Amour reminded everyone that this should all be separate from the 2021 Court Order activities. Dan Hamel reminded us that some of this is involved in the Court Order.

Patti McCall said there is nothing to update on the basement testing, but the sentinel well update is that they are putting out a video about locations and there is a bid on a contractor to drill the wells. Patti will get the video to Beth to distribute to the entire CARD core list.

Katie Jesatis introduced Joel and mentioned that Congresswoman Dingell was waiting for an EPA update in June. They have nothing new. CM Griswold checks the EPA Gelman website often and the sampling will be happening in May and Katie said that a June update should follow.

Jack mentioned that we had asked for copies of the briefs from the intervenors which he has received, but CARD and the public have not received any AG/State briefs. He is requesting these now on the record, so that the public doesn't have to pay for them. Kathy Griswold wanted to let everyone know about a letter from the intervenor's lawyers that she was struggling to review many items in the letter, before the attorneys sent it out, without the elected officials seeing it, unless she pushed to review. There is a new City Attorney, who will need to get up to speed.

Kathy Knol said that there was a new round of testing that was delayed due to weather, and will be done this week or next with the 522 method. James D'Amour asked about the development on the KOC property. Kathy mentioned that she and 3 planning commissioners met with Larry Lemke and Keith Gadway to discuss the potential impacts of this development on the plume. Lemke will probably be employed by the developer to evaluate the possibility of a community well. Roger asked why they would hire another person to model, since EGLE has already modeled in this area. There are gaps in the data there. Dan said that the Rockworks model was different than what Lemke needs or wants (a pump test, quantitative information, how does the extraction affect water flow, etc). Roger asked why the State is not doing this modeling, since there should be a Provisional Wellhead Protection Area there?

No update on the Ann Arbor water alternative sources.

CARD has asked the City if they have anything or any well testing data on any dioxane in the City, such as the NW Supply well and 415 Washington. Patti will get us data for the sites that she has tested but Roger mentioned that that should all be shared with EGLE, CARD, etc.. Jack said that we should make a list of what we want from the City. Rita Loch-Caruso showed us a city site where they post the values of all the latest testing. Then EGLE needs to integrate this data into their database.

CM Griswold stated that the Environmental Commission has a water quality subcommittee and she will mention to them to request this information. Patti will also try to get all the data together.

Kristen S with the County stated that they collected 21 samples in April and tested down to the 0.5 ppb level and all positive detections (.9-2.4 ppb) were on Elizabeth and all were positive previously. Kathy Knol asked if any of these numbers were increased from the past detection in the same location. These are drinking water wells.

EGLE updates:

Dan stated that in the Response Activity order Gelman has been installing MW's and still attempting access on some others, and will be working with the residents on this. MW 142-146 will start having data now. GSI workplan for the western area is being reviewed and requires getting some wetland permits. In the eastern area they are working with the City on ROW access for wells A,B,C and G, H MW's and a PZ MW at the southern boundary.

The NPDES permit for Parklake well has not been submitted yet, but they are gathering the water chemistry and WRD was hoping to have the permit submitted by the end of May.

On the Gelman property an extraction well was installed last year and has been pumping and treating. A new well TW-25 is the second of three in the Court Order. We should get the data in the April reports. The 3rd new extraction well has had some borings done and are not sure yet where this will be installed.

The phytoremediation in the order will be done in the Marshy area and in the former pond 1-2 areas. They will start the three- wells the week of May 22nd. The Marshy area needs wetlands permits and this is ongoing.

Heat and vapor extraction in the former burn pit area, they are in the process of working on this, including removing the asphalt and then some testing and utility evaluation and to start the extractions by late summer.

Vince Caruso asked if there was drilling at the burn pit, will they drill to bedrock? Dan says no they will not be drilling to bedrock, because this is related to soil contamination and does not need deep drilling. Kathy Knol asked if EGLE is doing periodic site visits and who checks on if Gelman is complying with this. Dan says they are monitoring and will do spot checks. Kathy Griswold said she discussed with the new attorneys at the City and that the 4th CJ was publicly endorsed by our mayor and our attorneys. The community was very vocal in opposition to certain parts of the 4th CJ proposal and very concerned about the proposed discharge to the First Sister Lake and how this response activity order that may require this discharge, ignoring the concerns of the public and elected officials. The public was not heard and this will go on record that there will be public outrage if we get close to this point of NPDES permitting. James D'Amour mentioned about the public comment period and this is under the court order, so in the end with the court order.... will this be permitted by EGLE? Many are concerned. Dan said, no, the court order only says that they will apply for the permit. Dan said that towards the end of the process, there will be public comment and a public hearing about it before they decide approval or denial. Glen Hendrix said that the State will issue a public notice and a draft permit and in the context of Part 31.

EGLE/ Gelman database has been updated with the new Scio twp resident well numbers.

There was some dewatering done by the City of A2 in the west park area on Chapin St. That was completed including sampling for dioxane since they were in the area of 49 ppb area. It did come back as .22 ppb in the beginning of dewatering but the other six samples were non-detect.

There is a new EGLE Gelman webpage. Dan Hamel is working to post the documents from the AG and appeals briefs.

Chair Notes:

Meeting time was limited so CARD chair Roger Rayle's notes are included here: [05/03/2022 CARD Meeting-Chair notes](#)

Some highlights:

Regarding de-watering at Chapin, what other de-watering has happened near the Gelman plume that could have some effect on plume movement?

Kathy Griswold asked about de-watering at an old shopping center.

Roger spoke to the limited search options for the EGLE Gelman webpage documents list.

Jack Eaton mentioned the new City Attorney who is being brought up-to-date about the Gelman site.

Roger briefly went through more of his notes linked above, including the lack of ongoing sampling of the deeper aquifer layers at the new MW-146 well, one of the flaws in proposed 4th CJ that became part of the 2021 court order.

The meeting was adjourned at 8:12 pm
Minutes compiled by Beth Collins, CARD secretary