

CARD/ EGLE Quarterly Meeting
June 7, 2022 10:00 AM
<https://www.youtube.com/watch?v=9sBQ-lQ8CIs>

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

The minutes from the May meeting were approved by the Board.

Jack Eaton mentioned the motion from the Intervenor attorneys that was just distributed and the two pending appeals, and asked the State if they would please step in supporting this motion.

Old Business/ Action Items:

Dan Hamel stated that there is nothing new in EGLE taking action to get the outstanding data to the public, because of the appeal still in place. Jack Eaton asked why this idea is due to the narrow stay noted in the motion. AG Negele stated that this was part of the appellate rules that says that a court cannot modify its orders while under appeal. Court rule 7.208.

MS4 violation update and discussion with the State who has been reviewing the GSI work plan. It is still being reviewed by EGLE technical teams and are working with WRD to evaluate the work plan. They will then meet with Evan Pratt and Gelman by the end of the month to discuss GSI and MS4 issues. EGLE's reply will identify with the compliance of both issues. Josh Moser mentioned that EGLE is working towards compliance with either MS4 and part 201. Ralph McKee asked about the June 3rd email where AG Negele said that Dan Bicknell mischaracterized the stand of the State in previous emails, but Jack said that he went back to the March CARD meeting and the stance on the State about enforcement of the WCWRC, so it is in writing now stating EGLE's stand to have Mr Pratt stand up to Gelman on this violation. Ralph remembers that in other meetings where this was discussed the public was asking for more details on what EGLE's position is on this? He states that this issue should go to the highest offices in your office, like AG Nessel to see her interpretation of the environmental law on this. Gelman's position is that the Court Order allows this and Mr Bicknell pointed out the reasons why it doesn't. This should have been addressed during the CJ4 negotiations too. Dan Bicknell said that the problem that we have is the cover letter which is between EGLE and Gelman and states that Gelman can comply with Part 201 on this issue and the GSI of 280 ppb constitutes compliance with the MS4, but the Federal MS4 clean water act says that no contamination should be allowed in the drain. This is a Federal program and we should have the EPA and Dept of Justice to take over this and have the Federal Government enforce this and not put the responsibilities of this on the local govt and citizens. This is a flawed agreement between the State and the polluter. Vince Caruso mentioned that in the April meeting EGLE said they would work with the County and City because we have not agreed to let the polluter use the drain system as a conduit for their pollution. Who is responsible for this on the west side of

Ann Arbor where this is affecting our community. Kathy Griswold said that she is encouraged that City Council has passed an official resolution offering to help the County Drain Commissioner to enforce this and our new City Attorney is very interested in being involved with this. She feels like this will be taken care of by the City of Ann Arbor. EGLE said that they are trying to enforce both the MS4 and Part 201.

Patti McCall said a resident reached out with a wet basement and it was sampled and was a non-detect.

Patti mentioned that they closed the bid process for the Sentinel Wells and they will select a contractor to do the work and it will go to City council for approval in early July.

Joel Waddel mentioned that Congresswoman Dingell is scheduled for a full briefing from the EPA and next month should be an update. Dan Bicknell mentioned that where we are is still the second step and EPA is collecting lots of samples to confirm the past data that has been collected in the past and then they will determine a hazardous ranking score and then move on the designation process. He thinks that this decision could be made in the fall and shortly after a 60 day public comment period, and a decision made next year. The EPA representative, Ms Muniz, joined us and informed us that Weston Solutions is putting together a site specific sampling plan with comments from EGLE and its now in Quality Assurance Group. This has caused delay because they are used to using Tetra Tech. EPA attorneys have contacted Gelman to gain access and after some push back, they are able to sample later this summer. Diane Russell is on leave at HQ until the fall, so there will be a new Community Coordinator assigned to our site. CM Kathy Griswold again mentioned to EPA about the opposition of the community in a discharge into First Sister Lake and for them to be aware of this.

AG Negele said that for the Court appeal update, there are oral arguments on July 7. Jack asked that the public and CARD have asked for briefs that have been filed. Dan Hamel said that they have been working on posting them on the EGLE website, but he cannot guarantee a time this will happen. He will notify the CARDcore group when these are posted. Mike Moran asked about the briefs not being posted before the court date for oral arguments? Kathy Griswold said if she had the documents, she can see if the City of A2 will post them. Jack said he has some of them, but not all. Roger said CARD can post them on the srsr site, but the names on these legal briefs are confusing. June 16 there is another court date for motion to show cause.

Kathy Knol reported that Scio Twp expects to have data to announce on the most recent homeowner well testing, once the homeowners are notified. 30 homes were tested in this last round of testing and the results will be sent by US Mail.

Kathy Knol said there is no news on the KOC property in the township.

Jeff Hayner mentioned about the millions we have invested to rehabilitate our local plant and this community should stay strong on fighting a tie in to GLWA. We can always treat 1,4 dioxane at the Ann Arbor treatment plant.

EGLE Update:

Dan Hamel discussed the response activity order updates on what Gelman is doing. Western area MW's have been installed, but 2 others have not, due to Gelman

not getting approval to install (old Belmark/ new Tesla site on Jackson Rd). This is a concern because it is on the way to the new Scio Twp and the property owner is not responsive. EGLE said that the polluter is trying to negotiate with the owner. Roger discussed how these new MW's are not going to bedrock, and he is concerned with this and wondering why? What data was used in the Court order to determine that this drilling to bedrock was not needed. In the Eastern area, they installed the PZ boundary well and worked with the City for ROW to place the other wells. The Rose Well Extraction well is getting installed soon. GSI investigation is going on in the Western area and there is a work plan for the marshy area near the property. GSI work plan is being reviewed in the Allen Drain. The On Site has new Extraction wells installed for 2 of the 3. They are working on the phytoremediation now. EGLE did a site visit to see these activities recently. 40 trees are being bored/ sleeved in this area. Rita Mitchell asked what type of tree is being used for the phyto? EGLE said they believe they are a hybrid poplar variety. Rita asked what diameter trees will be placed and Dan will find out. Glenn Hendrix asked how we will monitor the efficacy of this. Dan said there will be analytical data to see and it is a measurement of lowering the water table. All these locations will have reports when completed defining exactly what was installed, etc. There is a heated soil vapor system and they have broken out the concrete already for this and moving utilities and start the pipeline in July. Then this area will be capped off as a final step.

Jennifer Conn mentioned that in April 21 samples of homeowner wells were sampled, and there was one new detection at .9ppb. on Elizabeth Rd. Five positive detections .9-2.4 ppb. They are doing the other 165 locations this week and next week. EGLE is testing down to .5 ppb now and the other lab the County uses is testing to .3 ppb. A lab called Simple Lab has an option for dioxane testing and if you mention that you want Method 522 (\$125) and they will send to Pace. But you have to specify that you want Method 522. All of this is on the CARD webpage and the County webpage.

NPDES renewal for Honey Creek is almost complete and the next step is a draft permit for Gelman for review. Then it's a negotiation with the polluter, then it will be available for public review and public comment. They will likely have a public hearing as well. The other NPDES for Parklake well w/ FSL discharge has not been submitted yet. They said they are close and are doing testing but were aiming for end of May, early June, but has not been submitted yet. James D' Amour asked Dan if he had an idea of a timetable for all of this. He said no, it's WRD, not RRD. Ralph asked about EGLE's position on when or if the FSL discharge is not approved, there will be less pumping and treating. What is EGLE's position on this? Josh Moser will not opine on what may or may not happen. We will see what happens and maybe start another type of negotiations with Gelman.

Chair Notes:

Roger was not given his adequate time with such a long Agenda, so he had his notes in this link for all to view.

[06/07/2022 CARD Meeting-Chair notes](#)

Roger was able to discuss and show us some of what he has observed in the past few months as Chair of CARD and SRSW. The new EGLE website has some issues regarding the search feature. He has started a spreadsheet of all 1200+ documents on the EGLE site which have links, so that this information is available easily to all of the stakeholders and the public.

The Rockworks modeling had some issues and Roger met with the EGLE Rockworks team about the data errors. EGLE plans to have quarterly meetings with Roger.

Roger mentioned that SRSW and CARD will not be at the Mayor's Green Fair this year due to scheduling conflicts.

We discussed going back to in-person meetings vs Zoom or having social meetings/ happy hours.

Roger showed us a Google Earth map and modeling with the flow of plume towards the tributaries in all directions, with it in a different angle. It showed the impact of movement in 26 years towards the Huron River. He also showed us all the homeowner wells in the tributary path of these northern new positive wells.

The meeting was adjourned at 10:28 am.

Minutes compiled by Beth Collins, CARD secretary