

MINUTES
CARD/ EGLE Quarterly Meeting
March 2, 2021 via Zoom

The meeting was called to order at 10:06 am.

Vince Caruso moved to approve the minutes from February 2, 2021. Supported by Roger Rayle. The minutes were approved.

Old Business- EGLE

Dan Hamel said there is no news on the AG getting data in the CJ negotiations.

The AG's response to the Motion of Reconsideration was discussed. It seems to the public and intervenors that the AG and EGLE are opposing them and their involvement. Joshua Moser discussed EGLE's position on this and that is not an opposition, but they want to accept some portions of the CJ4.

Dan should have the Trend Analysis at the next CARD meeting. Roger stated that in his Tableau Public, 1/3 of the MW's are trending upward. Dan is getting information from Dr Lemke and Roger stated he would like to see these items.

No new status on the Compliance Wells in Scioview. They are waiting on the CJ or rejection of the CJ.

MW's that have not been tested in many years. Dan and Roger are working on this to discuss w/ Gelman.

Last Friday the WCWRC, Polluter and EGLE all met to discuss the Allen Creek MS4 violation. WCWRC requested that Gelman do testing in the pipe. They want a work plan and will have additional meetings.

MW 103s has been above 85ppb. This is not enforceable by EGLE under the CJ, so they are not going to do anything about this. Jeff Hayner spoke up to the point that this is a horrible "look the other way" event. This should be addressed by someone, maybe higher up from EGLE. MW103s is inside the PZ, but right on the border, so maybe we need a MW outside the PZ there? Dan said this is not enforceable. Vince spoke up about this being a shallow well and this is very concerning. What this means is that the dioxane is more than likely outside the PZ. Roger pointed out that it is only 1 of 2 wells at this elevation all the way back to the core site. The only other MW 87s was never replaced after LA Fitness abandoned it. The screen in 103s is 58-63 feet below ground level.

2016, 2017 re-survey locations. These were re-surveyed due to a visual discrepancy. Roger wants to know the "why" they re-surveyed some and not all. Beth will leave on the Agenda one more month to see if Dan can get an answer.

Other Old Business-

The WRWC was not present to discuss MS4 violation, but Dan Hamel discussed during his update. Vince reminded everyone that this has been in violation for 3 yrs.

City of A2 testing wet basements. Patti stated there are no updates on the testing. Vince wants the City to put information about V.I. on their website. Roger discussed dioxane and some studies he has seen in regards to it in vapor.

City of A2 has no comment on the incorrect location of where the HR/HC testing area is for Bromate, not the diluted area they are currently testing from.

Roger discussed having more volunteers to help with the Stakeholder information and our infrastructures. All of the entities that touch on the Gelman issue, he showed us a flow chart of all of them. What elements they may have to contribute to this complex problem. We should have the many decades of information in one place. Jennifer Conn said that when the original bylaws at CARD were completed, there was supposed to be funding for CARD in place. Jeff Hayner said the City of Ann Arbor will ask for funding also.

Intervenors- Superfund letter status will be discussed with **Congresswoman Debbie Dingell**. She was welcomed and discussed how she has had many conversations with EGLE and the EPA, with her and the EPA, with her and the AG, with her and EGLE and with all the intervenors since everyone has voted and passed resolutions to go to Superfund with the EPA. There has been misinformation out there, and many different discussions. We all need to be communicating straight forward with all involved. She is not involved with discussions about the lawsuit. The attorneys from some places have said that there were many who did not want to go the EPA route. On March 18th at 5 pm there will be another Joint meeting with EPA and EGLE and all intervenors to hear directly what is going on and we need to all be on one page, without mixed signals, to have the same path forward, so that the State is understanding what path the public wants to pursue. There is a dual pathway forward with both EPA and EGLE.

Vince stated he hoped CARD is present. She said yes, it's an open meeting and there will be public comment. Roger agreed. Brian Negele agreed.

Travis Radina said thank you to Debbie for organizing this. There are new leaders on each intervening board and he is glad to get everyone together.

Kathy Griswold thanked her for being here and wondered why the lawyers are representing a different position from the intervenors they represent? Brian Negele said that now all of the attorneys are on the same page after the meeting.

Rita Loch Caruso said that it was disturbing to hear that there is a disconnect between the attorneys and the LUG's. Yes, there are new CM's and new board members. This is always going to happen....and after all these years, we need to carry on and get the EPA in because CARD shouldnt be working so hard. This is very frustrating. Debbie agreed and stated that 3 communities are on the same page and the 4th needs to come to an agreement and follow through. One of the reasons there is constant delay is that some are pitting LUG's against others.

Roger stated we have to be as persistent as the compound we are trying to get rid of.

Sue Shink said thank you and how much we all appreciate Debbie and all want our water to be cleaned up. And that the County BOC has had an election and a new chair, but they are still on the same page. Their resolution is still valid. It's a community resolution and individual members cannot be speaking alone against any vote that has been passed. She looks forward to this meeting and thank D2 and thank you CARD. Debbie said the it was clear that 3 communities are in agreement. She was glad to hear that the 4th is now on the same page too.

Roger asked if any of the meetings have discussed a clean up objective? Re: the 500 ppb. There is missing data from the CJ negotiations. EGLE stated that no, only the Parklake extraction well was involved with a 500 ppb criteria for stopping pumping.

Jane Klingston said that she is concerned about Mack Elementary School and testing around the school where young children play in the water and seeps. She is worried that this could become a tragedy if we are not following it thoroughly.

Kathy Knol thanked Debbie Dingell. And she reiterated that the Scio Twp Board is strongly behind EPA request and their attorney knows that they are all on the same page. She thanked everyone. Debbie said that the Township is behind EPA, so we now know that the 4th undecided community is Ann Arbor City.

James D'Amour thanked Debbie. He is disturbed by the City of Ann Arbor with mixed signals and wavering. This was a Resolution and there should be a clear path. It is unacceptable if it is a member of staff doing this, or one or two elected officials. This needs to be looked into.

Vince Caruso discussed that this is a multi tiered effort. There should be no stigma with EPA. A delay is a win for the Polluter. The whole community has spoken and this is water. Clean water is needed.

Kathy Griswold states that the A2City Council has passed a Resolution and is very disturbed that there is an undermining happening. The more we delay the will of the people, the dioxane is spreading.

Ralph McKee thanked D2 and discussed the scope of the meeting on the 18th. Will it be seeking to see if everyone is on the same page as far as going to the EPA? With the lawsuit path, we should not be discussing the hearing that is 4 days later. Debbie confirmed that it will not be about the lawsuit or court case, but it will be discussed that we can continue on the two paths. It will have questions and answers from EGLE and EPA, such as consent decree in place w/ federal oversight. Generic items about the lawsuit may be discussed.

Mike Moran stated that A2 Township has been interested in EPA since 2013. They made a resolution in 2016 and again in 2020. Nothing has changed, even though the Board has changed.

Debbie Dingell thanked all of us and appreciates all the work we have all done on this and she left the CARD meeting Zoom. Roger discussed how important this next step forward is.

Ralph McKee asked AG Negele if there is any reason to think that if the State litigation is going on, would it impact the EPA on deciding if this site should be a Superfund site. Brian said he had heard some shifting positions and now they have heard that this is not the case, but before there would be a hand off, the litigation would have run its course. The EPA would like some sort of CJ in place. Josh Moser with EGLE said that is exactly what they want to ask at the meeting on the 18th. One voice for all of us to hear. Ralph asked if EPA reps with the authority to discuss this will be present....their senior staff. Sue Shink thanked Ralph and said she feels strongly that the wrangling going on behind the scenes that these communities are working for our people, the 100,000 residents affected by this. This shouldn't have even happened in the first place. We must Preserve our rights in the lawsuit, and Ask the EPA to come in and help the State.

Jacque Cortueau said that there are community grants available if the Superfund is coming in, for community groups like CARD and SRSW. She just wanted to remind us. Jane Klingston discussed 5 star wetlands and urban water grants has \$20,000 grants.

Eric Lipson asked what is the Governor's status now of requesting EPA. Should we be asking the Gov to sign this now? This obstruction on the City of A2 is very disturbing. Josh Moser at EGLE said that the meeting on the 18th is to make a clear path forward and because of this behind the scenes obstruction. Beth asked on when the EPA comes in, wouldn't this be a common problem on most contamination sites? Ongoing litigation that is stalled.

Linda Berauer asked Mr Negele about the EGLE opposing the intervenors and not standing with them? Brian said that they want a new CJ in place. Ralph mentioned that he has heard that the EPA trumps all state positions and the Federal Court will take over the Pollution.

Mike Moran spoke on resolutions that have been passed and we all have said how WE want to proceed.

Rita Loch- Caruso mentioned that the Polluter will never walk away from a CJ if EPA takes over unless they are required to by the Federal Govt. Someone should ask this question on the 18th.

EGLE updates: Joshua Moser stated that EGLE wants the courts to put the 7.2ppb criteria and some more monitoring wells and a few other items into a modified CJ. Brian Negele said that there is a modified CJ being worked on.

Nothing else was new.

Beth asked Dan why there was some extensive treating of wells in Saginaw Forest in February. Dan did not get the answer to this, but will for next month.

Roger's updates

Roger showed an image of the Compliance Well from the Smith Property and where wells were placed according to the Polluter. EGLE has not been able to do anything to enforce where Wells are placed. Why we need the EPA.

He has been working on new Tableau Public data and his annual updates.

He showed us where the shallow testing MW-57s at Maple Road and why we need more shallow wells east of Maple.

Mack School concerns-

Jane Klingston discussed where the environmental water is at Mack School, and a concern for very young children playing there, we should be testing these wet spots on the playgrounds. Young children are 1/5 the body weight of adults, so their threshold for any exposure should be scrutinized. Vince Caruso mentioned that there was some discussion on if this is groundwater coming out of seeps. He also said that Slauson was at 11 ppb and is also close to shallow groundwater. This is why we need the EPA involved, because CARD has been asking for years for shallow MW's in this area.

Jenni with Public Health spoke that Mack is at an elevation of 850 and that they have looked at this in the past. She will make a field visit and look around the site. They will test this area when EGLE does more testing when he does the surface water sampling this summer. Jane wants definitive answers as to what the County or EGLE will do. There was discussion about where this water is coming from, was it the Allen Creek Drain or was it from groundwater? Joshua Moser spoke up about the State groundwater criteria and enforcement of this. We asked

the EGLE toxicologist to ask about children's exposure ? EGLE said yes. Beth added this to the old business for next month.

Roger said, one huge problem is all the dioxane that is left in the ground. Some core readings were still in the tens of thousands. Where is it moving? It's a complicated site, it's a Superfund sized site. We need the EPA.

The meeting was adjourned at 12:39 pm

Minutes compiled by Beth Collins, CARD secretary