

CARD Minutes
Tuesday January 5, 2021
6:00-8:00 PM on Zoom

Members in attendance: Bob Bailey, Dan Bicknell, Anne Bannister, Linda Berauer, Vince Caruso, Beth Collins, Jennifer Conn, Jacque Courteau, James D'Amour, Jack Eaton, Kathy Boris, Kathy Griswold, Marcia Haddox, Dan Hamel, Jeff Hayner, Bob Hyde, Katie Jesaitis, Jillian Kerry, Kathy Knol, Eric Lipson, Rita Loch-Caruso, Patti McCall, Shana Milkie, Rita Mitchell, Mike Moran, Charles Nielsen, Diane O'Connell, Rob Pattinson, Cynthia Price, Roger Rayle, Jim Schulz, Kristen Schweighoefer, Sue Shink, Harvey Somers, Lisa Pattrell

The meeting was called to order at 6:05 PM

The Minutes from 12-1-2020 were approved by the Board.

Old Business/ Action Items

Dan Hamel stated that no the AG was not able to get any documents. Per Dan, he is still trying to get them released. Roger asked when the Confidentiality Agreement was drawn up and what date was on this agreement.

He stated no, the trend analysis review is not done, has not been worked on due to the CJ and will not be done until the end of 1st Qtr 2021.

He stated no, there is nothing new with the Compliance Monitoring wells in Scioview development. The have been properly abandoned and not replaced until the proposed 4th CJ is reconciled. James D'Amour asked that since the 3rd CJ is in effect, and why we cannot proceed with items that are in the CJ 3 now, since it looks like CJ4 will be rejected. Dan said yes, the 3rd CJ is still in effect and if more time goes by and delay, these need to be taken care of. Roger discussed how long it has been since these wells have been abandoned and he thinks that this should not be delayed any longer. The attorneys are delaying this

He does not have the reasons why Gelman stopped testing certain MW's. Dan should have by next month, he will be meeting with Jim Brody at Gelman/Danaher.

Dan has been in contact with Evan Pratt about a sampling plan for Allen Creek. It has not been finalized, but he thinks it will be soon in the next couple months. Vince asked for West Park, Chapin and 8th St to be in the plan. Dan agreed, these will be tested. Some Scio Twp shallower plume areas may be tested too. He has to get EGLE management involved to approve the State paying, when the Polluter should be paying for this testing.

He states there is no feasibility plan for MW 103s. It is above the 85 ppb, but they cannot do anything until the CJ is decided. And he stated again, the Polluter is not responsible to do anything enforcing them unless it is found outside the PZ. 103s is inside and there are NO MW's outside the PZ.

EGLE and Dan Hamel confirmed that the sample testing site for HR/HC for Bromate is about ½ mile downriver from where it was supposed to be sampled from. This is not an item in the CJ, it is an agreement with the City of Ann Arbor. Someone needs to get the City to look into this since it is important to know what the Bromate is in the correct location. Roger reminded everyone how EGLE discovered this when they went split-sampling with the Polluter and Dan

notified us at CARD. Beth asked why EGLE cannot be concerned with this if the City of Ann Arbor is not concerned? Dan would have to discuss the Water Resource Division. He will ask about this. It is not part of the NPDES permit. The Court should know that the Polluter is not sampling for Bromate in the correct place in it's agreement with the City.

No change in the screening level for V.I. update. He has no information that says his people have changed this contaminant to the recommended level of 29 ppb. Vince discussed the wet basements on the West Side with increased ppb in shallow aquifers and why this is important. EGLE and everyone agree and are doing some internal evaluations. Dan will pass along the CARD groups concerns. Vince will send the link to acwg.org and wet basement testing that was done on the West Side of Ann Arbor.

The Washtenaw County Water Commissioner was not present at the meeting, but emailed us an update that the Allen Creek Drain MS4 violation enforcement. He asked for the City of Ann Arbor to decide if they want him to issue a violation.

Patti McCall discussed that they had one basement, on Washington that had non detect. They were not in the study but tested the water in the sub basement.

Roger showed Dan the Tableau Public charts that could help EGLE.

There was discussion about the Confidentiality Agreement from 2014 that Dan will get copies of to the CARD group.

EGLE Updates

Dan said there is no news with the NPDES permit and WR group. Gelman is still operating under the old permit.

March 8-9 Court hearings for a scheduling order, are for the Judge to hear briefs and expert reports by 1/29, 2/12, and 2/26. EGLE's response is due by 2/26.

There is nothing new with the Allen Creek increases in ppb in the drain. The AG has not committed to identifying this problem with the court and Judge in the briefs.

Dan is working on the residential well sampling and a PDF will be out in January.

Dan will be getting the Gelman DEQ formatted monthly files to Roger.

Chair Update- Roger

Roger had Dan Bicknell describe the MS4 violation in Allen Creek that has been ongoing for over 1 year and a notice of violation should be doing this, with the Wash Co Water Resources Commissioner should notify this to Gelman. There is an increase of dioxane into the Allen Creek drain, but the State and WRC has not done anything. The 3 options that are possible is to stop the groundwater into getting into the drain. The NPDES permit is illegal for this and must be from the remediation of a pollution, it does not deal with groundwater infiltration. This has been confirmed with the EPA and other state bodies who have dealt with this type of problem...which leaves one option and that is to stop the dioxane from moving this direction and halting this illegal infiltration of the drain. Roger had asked Evan Pratt if there were other areas of Wash Co if there were other drains in the MS4 and we have not ever gotten an answer. What are the MS4 drains within the County? Vince mentioned the drain outfall is at the Argo Cascades, where residents swim and tube in the water.

There has not been any enforcement of this, that the Polluter needs to be notified of the violation. Kathy Boris asked if our new prosecutor, Eli Savit, could help get this process going

through the proper channels. Dan Bicknell said this is a great question. The person responsible is Evan Pratt and he could work with Mr Savit on this. Evan needs help in getting this moving so per CM Griswold with the A2 City Council will bring forward a Resolution (which was approved by the time these minutes were composed) and the CARD group will do a Resolution asking the WC/WRC to issue this violation (which was approved by the time these minutes were composed). This is not under the CJ, so it is separate and we should have action this month. Vince, Beth and Kathy Griswold will help Dan Bicknell draft the Resolution. The Environmental Commission wants to take a stand on this also. This is to bring all of us together and get the Polluter to do something. During the meeting Evan sent an email to all of CARDcore that he needs Ann Arbor City Council to request he gets involved and serves a notice of violation to Gelman.

Roger shared the Tableau Public software program and graphs with us and showed (looking at the extraction wells) how the pumping and treating has decreased over the years. He showed us different locations and the increases in dioxane in many MW's, and showed us how to get to this data on srsw.org.

Roger also discussed data that is incomplete or in incorrect format. Some of EGLEs X/y points are incorrect locations and should be updated. He asked if EGLE could have monthly lists of all the important documents (like Sybil used to do) to have all the information really available? Dan will look into this, but he doesn't have the extra staff to do these tasks, but there is not one master list. Roger suggested that the Polluter should be paying for these databases to be set up. Dan stated that with the CJ and possible EPA involved these things will not be happening right now. Sue Shink, Washtenaw County Commissioner stated that this should be a priority for the State and County to get this data all in one place and accessible in 2021. Especially on this complex of a pollution site. She stated that it is outrageous that this is still going on with Gelman and the State with the missing communications, information and testing that is withheld or missing or confidential. Roger reiterated that we are not as efficient as we should be.

Roger mentioned he still has not received the U of M sampling at Saginaw Forest. He doesn't have the City of A2 sampling for the NW Supply well.

Rita Loch- Caruso mentioned that there will be a course this semester at U of M on Sustainability and if anyone is interested in suggesting the plume as a subject, they are looking for ideas of subjects. The instructor teaching the course is familiar with the Gelman plume.

Mike Moran asked if anyone has any information on the letters to Gov Whitmer requesting the EPA? A few of the elected officials have said that it is moving along and we have Congresswoman Dingell shepherding it along to make sure it gets to the pertinent parties. Dan thinks that the Governor will send it in and that the preliminary assessment will be underway within the year to designate it as a Superfund Site.

Kathy Knol mentioned that the briefs that are supplied to the Court will be available to the public and that she thinks things will happen very fast. We all should be watching these statements and information which are being provided at the briefs. The public asked where these briefs will be for the public to view with the Court? Beth will add it to the next Agenda to see if anyone has found out. Beth also stated that the public is not involved in any of the meetings and all of our speeches, questions, statements and data may not even make it to the

Judge. It seems to be between attorneys and the Polluter and the attorneys are not looking out for the public's best interest.

The meeting was adjourned at 8:10 PM.
Minutes compiled by Beth Collins, CARD secretary