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DEPARTMENT OF ENVIRONMENTAL QUALITY
THE DOW CHEMICAL COMPANY

TOWN HALL MEETINGS ON
PROPOSED ONGOING COMMUNITY INVOLVEMENT PROCESS

DoubleTree Hotel, Bay City

August 17, 2005

6:30 - 8:30 p.m.

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2 MR. NELSON: If you all take your seats,
3 it's 6:30. I'd like to get started. I hope you all
4 picked up an agenda out front when you came in. If
5 you'll note on the agenda, we've got a variety of
6 things to work on. The DEQ is going to update on its
7 facility policy. We'll talk about interim response
8 activities. We'll have a good presentation on ongoing
9 community involvement plan, and then we'll have great
10 opportunity for public discussion, and then begin
11 thinking about what's next.

12 I'd also like to call your attention to the
13 meeting rules -- the ground rules that are on the
14 back. As you note, they can be summed up in a very
15 straightforward manner. Treat others like you'd like
16 to be treated. Give everybody a fair chance. Be
17 honest. Speak concisely and distinctly. Respect the
18 other folks in the room. Everybody will get an
19 excellent chance to be heard.

20 So without further ado, then I think that
21 Director Chester is going to begin by talking about
22 the DEQ facility policy.

23 MR. CHESTER: There's the agenda. Good
24 evening. What I wanted to do is start out by just
25 explaining the directive that we've issued to staff on

1 the term facility. It's a facility that's used in
2 Michigan's clean up law. I'll try to be brief in
3 doing that. Let me give you a little bit of
4 background.

5 In June of 2003, we, the Department, had sent out
6 a general brochure that was intended to provide
7 general information on what's called Part 201,
8 Michigan's clean up law, and we mailed that brochure
9 out to about 2,000 residents who lived along the
10 Tittabawassee River. It's a common practice for the
11 Department to send out informational bulletins and
12 brochures and Q and A's, things of that nature, to the
13 public.

14 The unfortunate thing is with this particular
15 brochure a number of the homeowners that received it
16 misinterpreted the information and concluded that
17 their property was a facility under Part 201, and all
18 that really means is that the property contained
19 contamination that exceeded certain [residential property] clean up criteria.

20 Well, for some time, Representative Moolenaar in
21 particular has been asking us to clarify that issue
22 for the homeowners, and more recently earlier this
23 year, we did, in fact, meet with Representative
24 Moolenaar. He again expressed his interest in us
25 clarifying the issue, and we decided to do that, and

1 that led to the development of this directive I'm
2 going to speak about in a second.

3 In the interim time, Representative Moolenaar
4 decided to introduce legislation that essentially
5 redefines facility in ways that we think are
6 problematic, and consequently we have, in fact, come
7 forward with our directive. We think this takes care
8 of the issues that were presented for some of the
9 homeowners along the Tittabawassee floodplain.

10 And just very quickly, [what] this directive does
11 is a number of
12 things. Number one, it affirms that when we're
13 talking about facility or contamination on a piece of
14 property, parcel of property, the facility designation
15 really just applies to the part of the property that's
16 contaminated.

17 In other words, if you live along the
18 Tittabawassee floodplain and you have a 5-acre lot and
19 it's only that -- you've got 1-acre that's in a
20 frequently flooded area that's where the contamination
21 is, it's only that part that we would consider a
22 facility.

23 In addition, we made it clear that in
24 communicating -- obviously, we need to communicate
25 with the public. So we intend on putting out

1 brochures and informational pamphlets and Q and A's
2 and so forth, and as a matter of fact, as an outgrowth
3 or as part of this directive, we did, in fact, develop
4 a brochure, a new brochure.

5 We also wanted to clarify that, in communicating
6 with property owners, we wanted to make
7 known to them that there were only three circumstances
8 the term facility, would apply to
9 their property from the DEQ's perspective, and on this
10 slide, we've identified those criteria.

11 First of all, if there's available data, the
12 property owner or some other entity has actually
13 sampled the property and the analytical data for the
14 samples shows there's contamination, then it would be
15 considered a facility.

16 Secondly, if the property has been identified as
17 part of an approved work plan, a work plan that's been
18 approved by the
19 Department. There are some properties that have been
20 identified along the Tittabawassee, as well as in the
21 City of Midland, Priority 1 areas that were
22 identified in the Dow work plans, and they are
23 properties that would be considered a facility, and
24 then finally where, based on reasonable inferences,
25 you can conclude that the property is contaminated,

1 and I'm going to go through that in a little greater
2 detail.

3 Let me tell you the impact of the policy
4 directive to staff. First of all, in the City of
5 Midland, we're talking about three Priority 1 areas,
6 approximately 103 residences, that would meet this
7 criteria because they fall under the second point.
8 They're part of the Dow approved work plan.

9 Along the Tittabawassee, we have what are called
10 Priority 1 areas that Dow is implementing interim
11 steps this year and then Priority 2 areas that I
12 believe there will be steps next year on. All told,
13 when you look at Priority 1 and Priority 2 areas,
14 we're looking at pieces of property that affect about
15 400 residences.

16 And with respect to the Saginaw River, Saginaw
17 Bay, we simply don't have any data that suggests any
18 properties which are considered facilities at this
19 time or part of the Dow facility. So that was really
20 what we were hoping to accomplish, and with respect to
21 reasonable inferences, what we're really saying is
22 that -- and statute is very clear in the directives to
23 the Department.

24 At one point in the statute, the law says that
25 the Department is supposed to use professional

1 judgment. That's not uncommon. The DEQ exercises
2 professional judgment when it issues air permits, when
3 it reviews and issues surface water discharge permits
4 for municipal and industrial operations. It's part
5 and parcel of what your engineers and scientists do
6 when they're taking regulatory action. So it's a
7 common thing.

8 It's something that we would do in this
9 circumstance, and there are, in fact, circumstances
10 where, based on established scientific principles and
11 the existing data you have, that you can make
12 reasonable inferences about properties and conditions
13 on properties even though you might not have a
14 discrete analytical point.

15 And the circumstances that come to mind are, one,
16 along the Tittabawassee frequently flooded zone, and
17 I've got a couple of slides to show what I mean by
18 that, because in that frequently flooded zone, based
19 on the existing data we have, a reasonable inference
20 is to conclude that all of the property in that
21 frequently flooded zone is part of a facility, in
22 other words, it's contaminated at levels above certain
23 clean up criteria.

24 A couple of other really easy examples are, if
25 you've got -- one of our inspectors goes out to a

1 piece of property and there's 55-gallon barrels tipped
2 over on their side and all kinds of hazardous
3 substances are being released and spilled on the
4 ground, you don't need data to tell you that you've
5 got contamination that rises to the level that makes
6 that piece of property a facility.

7 Another example, and it's a very common one, is
8 when you have ground water contamination. It's very
9 common for us to have wells in place where you'll
10 see -- say the wells are 400, 500 feet apart, and, you
11 know, one well is downgrade from another, and both
12 wells have data that show contamination in the ground
13 water that exceeds the clean up criteria. It's a
14 reasonable inference to conclude that ground water
15 from the first well all the way to the second well is
16 contaminated.

17 And now let me -- I think we're going to look at
18 a couple of slides, and you probably can't see that
19 all that well back there, but I want to show you by
20 way of example what I mean by the frequently flooded
21 zone along the Tittabawassee, and this is based on
22 actual data that we have.

23 (Example Map 1) This blue line represents the
24 frequently flooded 7 to 10 year flood line. It's not
25 the 100 year flood line. That line would be out --

1 someplace out -- it's -- you can see a little bit
2 right there, the red line.

3 The data that we have in this particular example
4 shows -- and our clean up criteria, as many as of you
5 know, for residential homes is 90 parts per trillion.
6 We have 1230 some parts, 2500 there, 400 there, and
7 then as soon as you cross into -- or get on the other
8 side of the frequently flooded zone, it drops off
9 pretty dramatically, down to 29 parts per trillion.

10 AUDIENCE MEMBER: Is that a real world
11 example there? Is that part of the Tittabawassee?

12 MR. CHESTER: This is actual data, and this
13 is the Tittabawassee floodplain area.

14 AUDIENCE MEMBER: You said they -- you had
15 only used the 7 to 10 year flood line. Why didn't
16 they use the 86 to 100 year?

17 MR. CHESTER: This is our looking at the
18 data. This is just the DEQ looking at the data to get
19 a better understanding of what the data tells us.
20 (Example Map 2) So what we did is we drew here --
21 this is the frequently flooded zone. That's the 7 to
22 10 year flood zone. This red line is the 100 year
23 flood line.

24 When we look at the data that we have, we see a
25 trend, and that trend is very pronounced. If you're

1 in the frequently flooded zone, for instance here,
2 you're in the 922, 369. Once you get past that, okay,
3 between the blue line and the red line, which is the
4 100 year, the numbers drop off dramatically. They're
5 at 26 and 4.

6 (Example Map 3) Same kind of situation, you've
7 got the blue line, you've got 1100, 850, 94, and then
8 you cross and you're down to 49.

9 (Example Map 4) And again, same kind of
10 situation where you've got the frequently flooded
11 area, and you can see the data, all right, around 600,
12 1500 over here.

13 MR. SYGO: Steve, actually that's Swan
14 Valley [Shields] Elementary School, and the point is because it
15 was elevated outside of the repeated flooded area.
16 The 7 to 10 year, the numbers you're seeing are the
17 actual data is 4, 2, 35. It's in your background.
18 The higher numbers are the topographic numbers. That
19 number is the data point, but it's across the river in
20 the repeated flooded area.

21 MR. CHESTER: (Example Map 5) All right.
22 In Midland, the three areas I spoke of, Priority 1
23 areas, are this area, which is Corning Lane, and this
24 is [east of] Corning Lane, and the bullet shaped property up
25 here, and if you can see the data, you would see that

1 the data in here near these points is all well in
2 excess of 900, 1100, 630 range, and then as you move
3 away from the facility, the data that we do have
4 starts to taper off.

5 The point being that with the Tittabawassee
6 floodplain in particular, when you look at all the
7 data, and the maps that we showed you are just a
8 snapshot of the data that we have, it's very clear
9 that if you're in the frequently flooded zone, the
10 numbers or the contamination is well in excess of 90
11 parts per trillion, orders of magnitude above that, but
12 then as you move out of that zone, it drops off
13 dramatically.

14 Consequently, it's a reasonable inference to
15 conclude that the property within the frequently
16 flooded zone is part of the facility. So that's the
17 third example of reasonable inference, and I'm sure
18 there are many others. I'm not clever enough to think
19 of those tonight.

20 Let me tell you what we did. What we did in
21 tandem with this directive is we put together a new
22 brochure, and we have mailed that brochure to all
23 2,000 homeowners along the Tittabawassee floodplain
24 that we initially sent the mailing out to and working
25 very closely with them to really kind of deal with

1 some of their fears and anxiety that their property is
2 contaminated and would be part of the facility.

3 And as I said, we never intended to suggest all
4 2,000 homes were a part of the facility but rather the
5 Priority 1, Priority 2 areas, which in total are
6 about 400 -- or parts of 400 residential properties.
7 So unless there's some questions, we can move on to
8 the next segment.

9 AUDIENCE MEMBER: Where are we in terms of
10 providing similar maps for the Saginaw River in terms
11 of frequently flooded areas?

12 MR. SYGO: Well, the Saginaw doesn't react
13 the way the Tittabawassee River reacts in terms of
14 flood situations. We've recently gotten some of the
15 data back from the GLNPO study. We're in the process
16 of developing that data.

17 It's all raw data. So we're looking at reducing
18 the data and then putting it on maps so we can take a
19 better look at that, but I don't think you're going to
20 see as big a correlation with the flooding that you
21 see in the Tittabawassee River in the Saginaw. We
22 just don't know that it exists there, because it's --
23 the flooding of the Saginaw is a little more
24 haphazard.

25 It somewhat depends somewhat more on some of the

1 tributaries, like Dutch Creek, Cheboyganing Creek, the
2 zone up near Buena Vista in particular where there's a
3 very large floodplain, a lot of agriculture drains
4 that come into that area, and it just doesn't respond
5 in the same fashion. We may be surprised by that.

6 The bottom line is we don't have the data to make
7 a final determination there on what types of impacts
8 there are, but as part of the framework, we've agreed
9 that the Saginaw would be treated the same --
10 particularly, the upper Saginaw would be treated the
11 same as the Tittabawassee, and if we see that
12 correlation, Dow has indicated that they would also
13 deal with those homes and residences as well.

14 AUDIENCE MEMBER: Thanks. The second issue
15 is the legislation that's passed the House. Our group
16 testified against it, and it seems to be -- I think
17 the subtitle is the homeowners honesty --

18 MR. CHESTER: Homeowner protection.

19 AUDIENCE MEMBER: Some sort of positive
20 connotation, but in fact, it seems to shut the door
21 on residents and opens the door on polluters. It
22 would make your job, the DEQ's job much more
23 difficult, would it not, to identify these properties?
24 It would also be much more costly -- far costlier.
25 Can you speak to this?

1 MR. CHESTER: The Representative Moolenaar
2 bill is one that has been passed by the House and is
3 in the Senate for consideration. We submitted an
4 analysis and provided testimony opposing the bill for
5 a number of reasons. Our clean up law is not just a
6 clean up law. It's also a Brownfield redevelopment
7 law, and it's intended to encourage, frankly, the clean
8 up and reuse of contaminated properties.

9 And the way the legislation are structured, there
10 are a number of significant flaws, we believe. Number
11 one, it would drive up the cost of sampling work that
12 needs to be done to determine the scope and area of
13 contamination, and that's a cost that would be borne
14 largely by the liable parties, if we have liable
15 parties, but if we can't identify liable parties, we
16 have an orphan site or something of that nature, then
17 it's going to be a cost borne by the State of Michigan.
18 We don't think that's appropriate, and that undercuts
19 the Brownfield aspects of the law, and there are many
20 other finer points, but that's one of the major issues
21 that we have.

22 The other thing with Part 201, I don't think a
23 lot of property owners understand how it protects
24 them. It protects existing properties owners in this
25 regard. If your property has been contaminated by a

1 third party, it is clearly the third party's
2 obligation to clean that property up. If now your
3 property is removed from the definition of
4 contaminated property, in other words it's not a
5 facility, then the liable party doesn't have an
6 obligation to remediate that property. That's
7 problematic.

8 On the flip side, if you're a prospective
9 purchaser and you're moving into an area, wherever it
10 is in the State of Michigan, a property owner who
11 currently owns a home you're interested in buying has
12 an affirmative obligation to notify you, if they have
13 knowledge, that the property is contaminated, and they
14 have certain obligations not to make the situation
15 worse. If all of a sudden residential properties are
16 removed from the definition of facility, even though
17 they truly are contaminated, it kind of calls into
18 question the notice that is provided to prospective
19 purchasers.

20 The bottom line is the law is also intended to
21 protect prospective purchasers as they purchase
22 property, because they have the right to know what
23 those conditions are. We're on the record for being
24 opposed to the legislation, and we believe our
25 directive and the brochure -- we didn't call it

1 brochure. We called it --

2 MR. SYGO: Frequently asked questions.

3 MR. CHESTER: Frequently asked questions
4 sheet, which I think we have available, really is
5 responsive to the issue that was created in June of
6 '03.

7 MR. TAYLOR: I think a real good description of how
8 we look at the Priority 1 properties -- I just want
9 to clarify that there are some cases where we get
10 across that 7 to 10 year line where we see
11 contamination above 90, and in some cases on the other
12 side toward the river, we have also seen
13 contamination below 90, but overall, 90 percent of
14 the time, this is how it is, but there are exceptions.

15 MR. CHESTER: Any other questions or
16 comments? You are up, Jim.

17 MR. SYGO: The purpose of tonight's meeting,
18 as I think many of you already know, is that we're
19 really following up on some convening meetings that we
20 had a few months back, and we're still interested in
21 gathering information from the communities at large
22 that will help us in a community involvement plan.

23 Basically, that is a part of the framework
24 process that we have signed on with Dow back in
25 January of this year, and the intent of that framework

1 is, as many of you might recall, is really to look at
2 a comprehensive resolution to the historical releases
3 that we've seen, not only to the Tittabawassee River
4 and the Tittabawassee floodplain but also to the
5 Saginaw River and the Saginaw River floodplains, as
6 well as Saginaw Bay.

7 And tonight we'll be using the comments that you
8 provide, once we get into the facilitated section, to
9 try to refine the proposal that we've put together.

10 That proposal was based on convening meetings that
11 were held in March and April of this past spring
12 basically, and as part of that, I wanted to summarize
13 very quickly what we gleaned from those convening
14 meetings basically, and there were three major points
15 and some subpoints.

16 One of the first points of the agreement from the
17 four meetings that we actually held -- those meetings
18 were held in Midland, the upper Tittabawassee or upper
19 Saginaw Tittabawassee River area, the Saginaw area,
20 and then one down here in Bay City. One of the
21 obvious things that came out of all of those meetings
22 is that information should be presented clearly and
23 unambiguously from DEQ and Dow.

24 Some of the problems that people were pointing
25 out was that there was often -- or that we really need

1 to have one source of information. A lot of times
2 people were going to different sources getting
3 different information. They also pointed out at
4 times, particularly in the press, as part of different
5 brochures that were coming out,
6 conflicting information was being provided either by
7 the DEQ or Dow and it didn't match up, and sometimes
8 that might have been intentional.

9 Also, the concept came up within these meetings,
10 maybe we start looking at the potential for where we
11 could have joint publications, so we can identify in
12 one publication where we agree on those things versus
13 where we don't agree on things, and that's something
14 that we wanted to try to do. The question is whether
15 we'll be able to do that because of the
16 lawsuit that Dow is involved in.

17 Another item that universally we gleaned out of
18 these meetings was that people wanted us to use a
19 variety of means to convey information to the
20 community. We had been predominantly utilizing the
21 internet, but people pointed out that not everybody
22 has access to the internet. They wanted to see more
23 information that might go out in hard mail, direct
24 mailings basically. They also wanted us to take a
25 look at utilizing the public access channels and use

1 videos where we can, and we're looking to see whether
2 we can do that. In fact, we've done this in Midland
3 with the Linda Birnbaum meeting that was held. That
4 was aired on the Midland Government Channel.

5 The other thing that people mentioned is where
6 there's an opportunity we might want to use newspaper
7 inserts as well. That would get a broader circulation
8 into the community. Some people also
9 indicated they thought there was too much information
10 being provided.

11 Some people thought not enough. Some people
12 thought too much.

13 Finally, people also indicated at these meetings
14 that people should have a meaningful input into the
15 decisions about the historical releases and how
16 they'll be addressed, and generally, I think all the
17 communities, as well as the Department, agree that the
18 community should have a role in providing advice into
19 that particular type of process.

20 And many of them suggested that some type of
21 stakeholders committee would be beneficial and could
22 provide the Department with good advice relative to
23 our decision making. In addition to that, as part of
24 the stakeholders process, people indicated on a number
25 of occasions that the stakeholders group should really

1 represent a diversity of the community. They felt
2 that the stakeholders group should be mutually
3 facilitated so that it wasn't biased in one fashion or
4 another.

5 We ought to have specific meeting rules for when
6 we're meeting so people are polite to each other,
7 something we've indicated at this meeting as well.

8 There ought to be a specific agenda for those meetings
9 so people know what the discussion topic would be, and
10 that there ought to be an opportunity for public
11 comment at all of these meetings as well.

12 Some of the differences that were pointed out at
13 this meeting, some people wanted to see this
14 stakeholders group or advisory group have some
15 definitive decision making ability. Others felt, no,
16 it only ought to be advisory in nature so that people
17 in the Department and Dow could take some advice and
18 try to get information from them in that fashion.

19 Some people that attended the meetings indicated
20 there ought to be three different types of
21 stakeholders meetings. There ought to be one for each
22 community. One for the Bay area here, one in the
23 Saginaw area, and maybe one up in Midland. Others
24 felt, no, one comprehensive stakeholders group would
25 be better because it would take all those factions and

1 it would consider impacts from each of those areas.

2 So that's again one of the differences, and then
3 also some people felt it ought to be a standing group,
4 where others felt it ought to be open to anybody who
5 wants to attend. There also were some other
6 differences in terms of whether it should be
7 videotaped, whether there should be attribution to
8 people who were discussing any topics or not. Most
9 people felt that that information should be available.

10 Other people felt that it tended to eliminate what
11 people might be more willing to say if they knew it
12 was going on a public record.

13 And finally, some people thought we should just
14 continue with what had been historically the
15 Department of the Environmental Quality Community
16 Action [Advisory] Panel, and that was a panel that we had
17 developed originally for the licensing process.

18 Others felt that, no, we needed to start with some
19 type of new structure that would be beneficial and be
20 more diverse and representative of the community.

21 In either situation, I think what we're proposing
22 as part of an ongoing community involvement process is
23 to develop something that will readily relay
24 information and gather input from the Tri-Cities
25 communities in a variety of different ways and

1 convening that meeting for inputs basically. The
2 efforts are intended to extend to sharing information
3 with the community, obtaining feedback from the
4 community, helping improve our decision-making
5 processes, and particularly trying to build more trust
6 among all the involved parties in this process, and in
7 and of itself, that would make up the community
8 involvement process.

9 Well, as most of you probably know, if you've
10 been involved with clean ups before, if you've read
11 about them, clean ups of this type of magnitude, is not
12 something that's going to happen overnight. This is
13 going to end up being a very long-term effort. It has
14 a number of challenges associated with it.

15 It has a great deal of coordination both at the
16 local and State level. It will also require a great
17 deal of coordination at the Federal level as well in
18 order to get a comprehensive agreement. So it's
19 something that's going to take time, and as part of
20 doing that, both DEQ and Dow are committed to
21 addressing these challenges in ways that will reduce
22 the potential exposures that people have as a result
23 of the contamination that exists, that will also
24 protect public health, and it will benefit both the
25 environment as well as the economy, and also that will

1 actively and effectively involve the Tri-Cities
2 communities and those interested in the future of the
3 region.

4 That's something that --
5 that we need to progress on in terms of making sure
6 that the communities are being represented in whatever
7 comprehensive resolution comes about. As such, what
8 we're considering and what we're trying to get
9 feedback on tonight is the establishment of a
10 Community Advisory Committee, which we're referring to
11 as CAC, and it's proposed to be the focal point for
12 community involvement.

13 It will be based on and expanded upon what was
14 originally the DEQ Community Advisory Panel, the CAP
15 concept, where you'd be working with a select number
16 of people that would attend these meetings on a
17 regular basis. We'd advise -- they'd advise the DEQ
18 in an advisory capacity again on specific aspects of
19 the corrective action process to resolve the dioxin
20 issue, including what's needed as part of community
21 involvement.

22 As part of that CAC, what we were suggesting and
23 thinking about was a 16 to 20 member council
24 basically. That particular group then would need to
25 commit to a given number of meetings per year. We're

1 anticipating maybe as many as four per year. They
2 would serve, we're anticipating, a two-year period.
3 We do that for the purposes of trying to rotate them
4 out so that you're getting fresh ideas while still
5 trying to maintain some type of continuity of the
6 program and working with similar people. So the
7 membership would be anticipated to change over time.

8 One of the issues that we wanted feedback on is
9 the selection process for such a CAC basically, and
10 we've provided our thought about a couple of options.
11 One being we have an outside committee select that
12 group based on applications, and there are other
13 options that might be available where they'd be
14 appointed as a group that would come from the
15 appointments from between DEQ and Dow.

16 The CAC would be intended to be run by a
17 professional facilitator ensure a neutral and balanced
18 process. The meetings would be open to the public
19 with an agenda that includes a segment for public
20 comment, and the meeting transcripts would be produced
21 by a professional recorder and available to the
22 public, as this meeting will be today.

23 We also wanted to let you know as part of this
24 proposal that we've developed, we took this to what
25 had formally been the DEQ CAP back on June 28,

1 and we ran the same proposal by them, and they
2 expressed a number of concerns. One of the things
3 they indicated is that they thought the process would
4 be too cumbersome and cause delays. They thought that
5 16 to 20 members over this large a watershed might be
6 too limiting and you might not get the type of
7 representation that you need or you'd want for a study
8 of that magnitude.

9 They also indicated that it may not be
10 representative, and there was a concern that there was
11 broad representation. They also indicated primarily,
12 though, concern about an outside selection process. I
13 think this was probably the one that was voiced the most
14 seriously, in that, it's difficult to select people
15 that you want to represent you in a situation that's
16 looking at opportunities and providing input into this
17 particular type of clean up process.

18 As an alternative, that group had recommended
19 that we hold just regular town hall meetings on an
20 every other month basis and that we do much of the
21 same thing and making sure that they're neutrally
22 facilitated, that an agenda is provided, and that
23 there's an opportunity for public comment, and their
24 suggestion would be that we rotate those meetings, so
25 that one time you'd have the meeting in Bay City,

1 possibly another one, the next in two months, in
2 Midland, and then in Saginaw, and keep rotation of
3 those meetings going.

4 Well, some of the strengths we think that exist
5 around the CAC would be having some dedicated
6 individuals that are engaged in the process, and from
7 that perspective, it provides their ongoing
8 involvement, and if they're involved for a specified
9 time frame and we have some sort of staggering of
10 their terms, we have some consistency and continuity
11 then in a group that is anticipated to be needed for
12 some period of time. This is -- again, it's going to
13 be a number of years probably.

14 It also would minimize the re-education at each
15 meeting that we had as part of the town hall meetings,
16 and in this manner, we'd be working primarily with a
17 group that was very familiar with the project. The
18 sense from what we received from the DEQ CAP is that
19 the CAC proposal might work but it probably needs to
20 be simplified in some fashion, and that's one thing
21 we'd like your comments on tonight as we get to the
22 facilitated discussion.

23 In addition to the CAC, as part of the process we
24 had originally intended and outlined, we also talked
25 about having technical information meetings. We had

1 what we proposed as one of these in Midland last month
2 with Linda Birnbaum coming in, but other things that I
3 would see that would be into this category of meetings
4 would be potentially different work plans that are
5 proposed by Dow that might be significant enough where
6 we'd want some type of community review on those,
7 certainly the final proposal for the bioavailability
8 study, things that might be dealing with the risk
9 assessment.

10 These are all items that are of the nature that
11 those people that have some technical interest in the
12 process are going to be very interested in attending
13 to see exactly how these types of programs are being
14 carried out.

15 In addition to that, we thought we'd have some
16 type of periodic town hall meetings where we're
17 looking for a more community wide perspective on an
18 issue. Again, we'd hold a town hall meeting to try to
19 get people to come in that weren't really part of the
20 CAC but wanted to express their concerns about
21 something, and we thought that might be beneficial to
22 have something of that nature.

23 The other type of meeting would be a community
24 dialogue on major milestones, and I think what this
25 really boils down to is when and if we come into a

1 comprehensive agreement that we're prepared to enter
2 into with Dow, it's something that would require something
3 of the nature of a public hearing as part of that,
4 we'd want to make sure that was vetted out very well
5 with the various communities so that they had an
6 opportunity that they have input into that as well.

7 The Remedial Action Plan is another example. If
8 we're looking at exactly what's going to be done in
9 terms of remediating the contamination that exists in
10 the river or into the floodplains, again, it would be
11 an opportunity for the communities to voice what their
12 opinions are, and again, even Remedial Action Plans
13 would require a public hearing. So it's something that
14 would be a major milestone that we want input from
15 the community on.

16 All three of those types of meetings would again
17 also be developed as needed by both Dow and DEQ to
18 present information to the community in order to get
19 input on a variety of different topics. All those
20 meetings, the intent would be to receive feedback from
21 the public so that we could utilize that within our
22 decision-making process. It would be open to anybody
23 who wanted to attend, but it would also be
24 professionally facilitated and meeting transcripts
25 would also be produced for those meetings.

1 In addition to those meetings, then there's also
2 the concept of information sheets. That we could have
3 some direct mailings. One example of that is the
4 brochures that are out there, the frequently asked
5 questions on facility. That's something where, as we
6 develop information or a report comes out that we're
7 developing a summary of, we could make that available,
8 make sure it's mailed out to our mailing list, make
9 sure it's also available at the different kiosks
10 developed by Dow at the various township halls and at
11 the libraries as well.

12 And finally, then, we're proposing additional
13 group meetings where both Dow and the DEQ might attend
14 for different type of professional development
15 meetings or civic meetings, rotary clubs, or
16 educational meetings, similar organizations, where we
17 might both attend so we could provide our differing
18 opinions, and they're provided in the course of the
19 same meeting in that fashion.

20 And again, as mentioned, these are just how we
21 would manage those meetings as well, and again, going
22 back to the meeting we had on the 28th with the DEQ
23 CAP, I think it was the combination of the CAC and
24 these other meetings that they felt this process is
25 just too complex. It's something that could be

1 certainly simplified, and with that, I'm going to turn
2 it over to our facilitator, Chuck Nelson.

3 MR. NELSON: Thank you, Jim. My name is
4 Chuck Nelson. My day job is at Michigan State
5 University. I appreciate the opportunity to work with
6 you tonight. I've got a few questions I'd like to
7 talk with you about, but I wanted to ask, are there
8 any questions for Jim prior to our discussion about
9 some of the input opportunities and best ways to do
10 it? Do you have any questions based on what you saw
11 in Jim's presentation?

12 AUDIENCE MEMBER: I was at the meeting in
13 Saginaw that you alluded to, Jim, and I thought at the
14 conclusion of that meeting we generally had a
15 consensus, among even the most, in fact, antagonistic
16 groups that are not on the same side, that because of
17 the difficulty of selection, for all the reasons
18 you've identified on the slide presentation, that and
19 to simplify the process, the town hall, open to the
20 public, everyone communicated to about using the
21 databases of previous organizations, inviting people
22 on a regular basis to a facilitated meeting would be
23 the quickest way to get the process moving without
24 stepping on any toes or hurting anybody's feelings, and
25 now we're going back to looking at sort of an elected

1 process. How did that -- was there some difference
2 between the DEQ and Dow's feelings about this?

3 MR. SYGO: No. I think this is completely
4 consistent, in that, when we went to the DEQ CAP, I
5 think we did that out of, number one, respect for all
6 the work that they had done over the two years
7 previously when we've been working with them, and
8 trying to get some feedback from them, and I don't
9 disagree with anything you're saying.

10 I think it was their determination that going to
11 a town hall format every other month is probably their
12 preferred alternative, but where we're at tonight is
13 this isn't only the DEQ CAP here. It's a broader
14 community. It was announced in the paper. I
15 understand we didn't get as many people that showed up
16 there.

17 We're looking for that input. Somewhere down the
18 line, we're going to have to make a decision. Based
19 upon the input we get here tonight, as well as the
20 other two town hall meetings, Dow and DEQ will sit
21 together. We'll try to determine the best way to
22 move this forward, and whether it's what the DEQ CAP
23 proposed, expanded a little bit, or whatever, or just
24 going to the town hall meetings or depending on what
25 we get out of the next two meetings and this meeting,

1 we'll have to see. I'm not saying one or the other.
2 We're trying to recognize what we propose to the DEQ
3 CAP, what the DEQ CAP proposed back, and then moving
4 forward to get further input.

5 One thing I might mention is I went through a lot
6 of these items very fast, and there are brochures and
7 other documents on the front table there that give you
8 more detail on all these items.

9 MR. NELSON: Let me just follow up on that.
10 It was very clear at the CAP meeting that the town
11 hall meetings and the three different venues would
12 take place before a decision was made to literally
13 give folks in every community an opportunity to speak,
14 not that -- the die is not cast, but there was a
15 proposal on the table that would be fairly put before
16 the three communities. So I think that's the effort
17 tonight.

18 So one other thing, I apologize that I did not
19 cover this effectively when I talked to you a little
20 while ago, is that the status of interim response
21 activities, which is on your agenda. It's the third
22 item. There's a fairly detailed written discussion of
23 all those things that's on the table there, and folks
24 from Dow will be here after the meeting if you want to
25 talk one on one and ask any specific questions about

1 those specific issues or an action that may or may not
2 have occurred.

3 Now let's follow up on what Terry asked Jim. Is
4 there support for the concept of a group such as a CAC
5 among anyone here? Does anyone have support for the
6 concept that you heard, the presentation outlined
7 tonight, 16 to 20 members, representation for the
8 different communities? Is there anyone that would
9 say, yes, I support that?

10 AUDIENCE MEMBER: Let me respond to you sort
11 of with a question, because I've attended the same
12 meeting that Terry spoke of. Paul Williams. I'm from
13 Midland. From what I heard at that session and what
14 folks were asking for, I heard that that was included
15 tonight in the proposal that's here. The town hall
16 meeting forum is a chance for everybody to participate
17 feedback and comments. I heard that as part of the
18 tiered approach, for lack of a better word.

19 Can somebody speak to what we will expect would
20 be different coming out of the CAC or CAC process and
21 what level of information or inputs we're thinking are
22 going to come from that forum and how that information
23 and input will be managed differently or the same than
24 what would come from the town hall process?

25 I think in terms of who is supportive of a CAC

1 type process, you know, it still seems it's different
2 than where your former CAP came out back in June.
3 What differences do we see that come out of the CAC
4 process versus just a straight every other month town
5 hall process?

6 AUDIENCE MEMBER: Who's on the current
7 group? Who is the CAP today? Who are those people?

8 MR. SYGO: The CAP is pretty diverse. There
9 are elected officials on it. The environmental groups
10 are represented, Dow Chemical. Some of the Township
11 Supervisors and/or their City Managers are on it as
12 well. Community Health attends. Department of
13 Agriculture attends that on occasion when there are
14 issues there. So it's fairly diverse. There are a
15 number of residents that are in the Priority 1 areas
16 that sit on that. There are some of the residents
17 that were or are part of the class action lawsuit. So
18 again, it's a fairly diverse group.

19 AUDIENCE MEMBER: Is the attendance fairly
20 good while those people are on it?

21 MR. SYGO: The way that the DEQ CAP had
22 worked is, you know, the meetings would be announced
23 and the notices would go out electronically with the
24 agenda items, and I'm guessing that normally, Cheryl [Howe],
25 what, about 40 people would attend on a regular basis,

1 and there might be some people who can't make a
2 meeting here and there, but I think our mailing list
3 might be as high as 70 or 80. So it isn't that we
4 kept anybody off of it. It's just the continuation of
5 people following it through.

6 AUDIENCE MEMBER: Like a lot of groups, a
7 lot of names and people are on there, but if only
8 20 percent of them show up, I don't know how
9 representative that would be. That's where I would
10 come from.

11 MR. SYGO: And I think that in part is in
12 answer to the question that you have. It would be
13 some of the principles of operations with a CAC as
14 opposed to just having something similar to what we've
15 had and calling them town hall meetings and letting
16 anybody come in. I think you deal with principles
17 where you have some accountability behind a body
18 that's particularly identified by person.

19 Those people are, you know, either appointed or
20 elected in some fashion where, you know, people know
21 that they're sitting on this particular panel.

22 There's some accountability of those participants in
23 that fashion. They have some ownership in being a
24 member of that particular committee basically.

25 There's some equity where in terms of it isn't who

1 happens to show up that night but it's these people
2 are the representations of the community.

3 If other people have comments, there would be a
4 public input process or a public comment period, but
5 again, it would be regular attendance in terms of
6 who's attending and who's not attending. So it's
7 those types of things, and you can provide a learning
8 curve. Now from a perspective of what we get out of
9 that, we get some continuity, making sure you have
10 that group.

11 In terms of what we would be looking at, I think
12 what we'd be looking at with a group of this nature is
13 again continuing to provide them information of what
14 the status of the framework is, where we are at, part
15 of the licensing process in the corrective action
16 process, and trying to use them as a sounding board
17 and directions that we should or shouldn't go and to
18 what extent maybe that we need to improve in an area
19 of getting other public participation or getting
20 commitments in a different fashion. So those are some
21 of the concepts that we've tossed around.

22 MR. MUSSER: John Musser from Dow. We've
23 worked very cooperatively here on trying to develop a
24 process that serves a lot of different interests, but
25 just to boil down what I think the bottom line is in

1 any process that we would have, we would try to assure
2 diversity of perspectives at all of these meetings,
3 and we proposed one methodology for doing that, that
4 says, okay, we're going to have people that are
5 committed and would show up at these meetings on a
6 regular basis so they would develop an understanding
7 of what's going on and be able to interpret that and
8 hopefully because of the diversity be able to
9 represent the views of people that thought like they
10 do.

11 There's some hazards in that clearly. I mean,
12 how do you get the representation? Can 16 people or
13 20 people make that happen? Don't know. That's up to
14 the community to decide. We're trying to get that
15 feedback here tonight and these other meetings, but
16 frankly, you know, if you could be somewhat assured
17 that the diversity of the people that were going to
18 show up at the town hall meetings was going to be
19 somewhat consistent, I'd feel a lot more comfortable
20 about that. I think that's a great way to do it.

21 It's just that question mark, are you going to
22 get, you know, six people driving the whole effort for
23 the whole community? I don't think that's in the best
24 interests of the community. If you get, you know --
25 if these meetings are interesting, and hopefully they

1 would be, and important subjects are being discussed,
2 you'd have a good turnout at all of these meetings.
3 So there's trade offs, but it could work different
4 ways I guess is what I'd say.

5 AUDIENCE MEMBER: So by the nature then, the
6 fact that the DEQ and Dow view this as being a
7 balanced group in one sort or another, I guess I'm
8 hearing you say that while you're not saying you would
9 be nonresponsive to others, you'd be very interested
10 in what we think the balanced answer is coming from
11 the community.

12 MR. MUSSER: It's at least a community
13 continuity and having an understanding instead of
14 having to start over at every meeting where people
15 haven't been there before trying to understand some of
16 these concepts, which is a pretty steep challenge, and
17 I don't necessarily think you can get the same quality
18 of feedback from that as you might from a group that
19 was there regularly. That's up to the community
20 ultimately.

21 MR. RUSWICK: I'm Frank Ruswick with the
22 DEQ. I want to point out another major difference I
23 see between a town hall format and an advisory council
24 or committee format. A town hall format, basically
25 primarily because of the limitations on time and

1 generally the number of people who want to be
2 involved, provides for one way communication.

3 I mean, we're a little unusual here tonight
4 because we have a relatively small group so we're
5 going to have a little bit of discussion, but in
6 general, if you have a larger group of people, it's
7 primarily the participants being able to speak maybe
8 once, maybe twice.

9 The council format is organized to allow a little
10 more of a dialogue among the group so that there's
11 more of a give and take among the members, more of an
12 exploration between them and among them about the
13 different perspectives. So it's a little more
14 creative as a group than a town hall format which is a
15 little more one way communication.

16 MR. NELSON: Answer your question, Terry?

17 AUDIENCE MEMBER: I think we're getting into
18 some linguistics here. If the town hall concept is
19 conceived of as a sort of one way approach, then I
20 certainly wouldn't be in favor of it. It may be just
21 in the labeling of it, a CAP of the Whole if you will.
22 Those groups that I spent two years together got very
23 large. There was quite an exchange. It was very
24 open. It was very loose. There were invitations that
25 were sent out, but no one was turned away, and it was

1 a very functional group, and I guess I just have this
2 problem with attempting to select 16 to 20 people. We
3 haven't even talked about the mechanism. Does Dow get
4 to appoint half? Does DEQ get to appoint half?

5 We're back in that same ball game of discussing
6 methods by which we're going to do this. I mean,
7 we're not working on an Iraqi constitution here, which
8 in many respects seems like what we're doing, and if
9 it has to do with the name, town hall, then let's call
10 it CAP of the Whole and send the invitations out to
11 anybody that previously showed an interest in it, and
12 you know, you're welcome to be on the CAP of the Whole
13 and make sure that we have a large enough room large
14 enough to accommodate that and the facilitator and get
15 on to the business of talking about interim responses.

16 MR. NELSON: Other folks on the basic idea
17 of a CAC versus more of the open regular meeting
18 approach inviting all the community directly in?

19 AUDIENCE MEMBER: My name is John. I agree
20 with Terry and Mr. Sygo, that I just can't imagine
21 narrowing it down to seven individuals from each of
22 the Tri-Cities. You know, we can spend another year
23 selecting these seven people from each of the
24 Tri-Cities. I think it's much better and we'd get a
25 lot more accomplished with having an open meeting. I

1 agree with Terry how it can be very constructive if it
2 is a larger group.

3 I think there's a certain core group that will
4 keep coming to the meetings in each community.
5 There's a very effective group that's been down in
6 St. Louis, Michigan for almost 10 years now meeting.
7 They don't deal with elections and things like that or
8 selections. Especially, seven people is a very small
9 representation for a large community like Saginaw or
10 Bay City.

11 MR. NELSON: Let me go on to some slightly
12 more detailed kind of aspects then to see how this may
13 work, because we'll get to selection in just a minute.
14 One of the other keys is, could you conceive of a way
15 that a proposed CAC might be improved to act as a
16 focal point for community involvement, in other words,
17 folks that people might go to because they know
18 they're regularly involved with this issue?

19 Could you conceive that that would be effective,
20 or do you believe that another route may be a more
21 effective way to go, like that group you just
22 mentioned, the one in St. Louis? So I'm curious if
23 you have a thought on how that might work?

24 There's a situation where people often want to
25 talk to people they trust versus not only using the

1 media, which they may regularly use also, and I think
2 that's one of the areas that Dow and DEQ want to
3 explore. Do you think that a CAC or something like
4 that would provide that group of relatively trusted
5 people in the community who you can go to, what's
6 going on now today, you've kept up, we haven't, can we
7 ask you, can we provide our input to you, can you say
8 what we're interested in?

9 AUDIENCE MEMBER: Are you asking me
10 individually?

11 MR. NELSON: No, the group. I wanted to
12 follow up, because you mentioned the one in St. Louis.
13 So you thought about how these groups might work.

14 AUDIENCE MEMBER: We've gone to several of
15 their meetings, and again, they have a certain core
16 group, and it's quite large. It's 20, 30 people that
17 show up all the time. So we've got 15 or 20 people in
18 each community that are going to keep coming on a
19 quite regular basis and provide their own expertise.

20 AUDIENCE MEMBER: It seems like you would
21 have the same dynamics going on in either case. I
22 mean, it's very conceivable that in a large CAP or a
23 large CAC you could make it all the time or you would
24 be the conduit of information for someone who can't
25 make it, likewise with a representative group. I

1 mean, the dynamics are going to be there regardless.

2 MR. NELSON: So you're thinking the town
3 hall type format and the relatively smaller CAC, you
4 would still use the same kind of mechanisms, people
5 you trust?

6 AUDIENCE MEMBER: Sure.

7 MR. NELSON: Anyone else have an opinion or
8 idea on that specific situation?

9 AUDIENCE MEMBER: I guess I agree, you need
10 to have some kind of commitment versus continuity.
11 Someone that's there all the time. You need a core
12 group of people that are informed and can talk about
13 the issues or somebody you can go to, to talk to them
14 somehow.

15 MR. NELSON: Let me ask you a question,
16 because this might get at some more of what you --
17 somebody mentioned having invitations. I'm curious
18 that you would approach a group of folks that
19 volunteered, and the group might exceed 20. It might
20 be 28. It might be 32. I'm not sure what it would
21 be. You mentioned commitment. I think I heard both
22 Dow and the DEQ talk about continuity. Could you
23 picture a scenario where you might be able to get a
24 group that would commit long-term?

25 AUDIENCE MEMBER: I hope so.

1 MR. NELSON: There would be significant
2 involvement in negotiation and really listening and
3 learning?

4 AUDIENCE MEMBER: It wasn't difficult in the
5 previous mechanism. We had a full house almost every
6 meeting, and it was generally the same people. There
7 were occasionally additional people, but given the
8 level of publicity that this has had and the interest,
9 I would suspect you'd probably see an expanded list of
10 people that would be willing in each community on a
11 regular basis.

12 MR. NELSON: So you believe there would be a
13 group of people who would long-term participate in and
14 make such a commitment without the structure of a CAC
15 necessarily?

16 AUDIENCE MEMBER: Yes.

17 MR. NELSON: Anybody else have any thoughts
18 on that?

19 AUDIENCE MEMBER: I guess where I'm coming
20 from, you named all the people on the CAP. Obviously,
21 there are political people here that I recognize and
22 the public is very limited here. So that says volumes
23 to me, the public, as much as being here would say
24 something, but the fact that they're not here said
25 something, too.

1 MR. NELSON: Okay. Any other folks have any
2 comments? Now let's get to kind of the heart of what
3 the big issue was the last time, if there was to be a
4 small group selected, CAC, what kind of guidance could
5 you give on how a committee would be selected? How
6 would you select a CAC, if they're going ahead with
7 this? I'm not saying they're going. I'm trying to
8 walk through this so the alternatives are out there.
9 What would it entail to do that selection?

10 AUDIENCE MEMBER: We saw that at the last
11 meeting. I mean, we've got geographical interests,
12 and that would be represented. We've got a health
13 interest. We've got property rights interest. We've
14 got political interest. The demographics go on and on
15 and on.

16 MR. NELSON: A lot of ways to slice it?

17 AUDIENCE MEMBER: Yes. How do you select
18 unless it is interest, and that seems to be the
19 primary motivation. There are a lot of folks who are
20 very concerned for different reasons but concerned
21 enough to attend the meetings, and certainly, it was
22 that way through the CAP experience, and I think there
23 was some invitations that were extended there, but
24 once you got on that list and felt part of the group
25 and the invitations were ongoing, you felt some

1 allegiance, need to continue to find out what was
2 going on.

3 People attended. We didn't have small numbers in
4 those groups, and there was no selection process. No
5 one was rejected. No one was asked to commit to a
6 specific amount of time, but we had full houses.

7 MR. NELSON: Okay. Any other comments on
8 that?

9 AUDIENCE MEMBER: I just think you need to
10 make sure there's commitment with the people that are
11 being invited. That's all.

12 MR. NELSON: Commitment is the key. If you're
13 going to invite. . .

14 AUDIENCE MEMBER: For me, it is.

15 MR. NELSON: Okay.

16 AUDIENCE MEMBER: I'm going to go back to
17 the if. If you went forward with that one process, I
18 thought about is -- obviously DEQ's at the table. I
19 think Dow's at the table. I'm wondering about elected
20 officials as the third stool in that process, somebody who
21 is supposed to represent the community. Maybe it's
22 the three mayors that come together as the third
23 stool, but I think DEQ obviously is there. I think
24 Dow is there, and if you were looking for some
25 selection process, I would suggest maybe that some

1 form in that elected official as sort of a third
2 group, because in essence, the community has already
3 spoken in terms of putting them into office.

4 MR. NELSON: Any other comments on that?

5 MR. MUSSER: Just to toss a thought in here,
6 I don't think the idea was ever -- as we were
7 considering various approaches, I don't think
8 the idea was ever that people that weren't designated
9 members of the CAC, that those people wouldn't have the
10 opportunity to be heard on an equal basis, you know.
11 That if somebody had an interest in addressing that
12 group, that provision would be made for that to
13 happen, and that every meeting, in fact, would have an
14 opportunity for public input.

15 So it isn't that only 17 people would be locked
16 in a room and nobody else could, you know,
17 participate. So if that helps put things in
18 perspective a bit better, great.

19 AUDIENCE MEMBER: I was trying to address
20 what I think we heard. If this process went forward,
21 we'd all agree it could be rather contentious in
22 trying to identify who the participants would be. My
23 comment was trying to find a way to address the
24 contentiousness.

25 MR. NELSON: Any other comments related to

1 CAC versus more of a town hall, just an open meeting
2 on a bimonthly basis format? Because I want to move
3 on to a couple other things. I want to make sure
4 everybody has stated their opinion. Any other points
5 of view? Any other items that we need to discuss
6 here?

7 AUDIENCE MEMBER: Is there a document out
8 somewhere that tells you who's on these groups so we
9 know who they are? Who are these people?

10 MR. NELSON: What group?

11 AUDIENCE MEMBER: CAP.

12 MS. HOWE: We can provide that.

13 MR. NELSON: As you heard, there are between
14 70 and 80 people in the CAP in terms of the mailing
15 list.

16 AUDIENCE MEMBER: I agree with what you're
17 saying. If you find people that are interested,
18 invite them or cajole them to attend, and then monitor
19 the fact that they're there, so the people that are
20 concerned that they're supposed to be representing
21 them, they're doing the job, that's fine, but if
22 it's -- I've seen too many groups that are, you know,
23 like people are trying to puff up their resume saying
24 they belong to something and they don't do anything.

25 MR. NELSON: I think folks who were

1 participating, I don't think that was the orientation
2 of most of these folks. We had a lot of property
3 owners, local officials to whom this was vital, county
4 health departments, et cetera, et cetera. I think you
5 probably won't find that, and Cheryl, you're providing
6 the list so it's public information.

7 I'd like to move on then to a couple other areas.

8 One of them is, how can we improve technical
9 information meetings to insure the community is well
10 informed about technical matters relating to the
11 corrective action process? In other words, what's
12 being done to make things better? How can we improve
13 technical meetings, in other words, technical experts?

14 We had Linda Birnbaum recently in June, but there
15 are many others. There's a series of ongoing studies
16 that are being funded by a variety of sources,
17 including Dow, independent studies by universities,
18 and others. How could we operate those technical
19 informational meetings about some fairly complex
20 information to better inform the citizenry what's
21 going on, where are we in the process, what do we
22 know? Do you have suggestions on how we can do that?

23 AUDIENCE MEMBER: You can certainly utilize
24 the DEQ staff. I've been very impressed with DEQ
25 technical staff, and on occasion, if necessary,

1 bringing in outside specialists, that's fine,
2 particularly ones who have good reputations. One of
3 the things that I think, and I've said it before, I
4 was frankly very disappointed tonight to hear that
5 John was going to talk on a one to one basis in terms
6 of Dow's response.

7 I think over and over and over again I've heard
8 the environmental community and some of the citizenry
9 that DEQ, since this is being run by joint DEQ/Dow,
10 that Dow needs to make presentations up in front along
11 with the DEQ and be accountable, just as the DEQ is.
12 That Dow, if they've got some interim responses that
13 they want to share with the group, they need to be out
14 front. They need to be able to accept questions and
15 be able to respond to questions in front of a group,
16 not individually after a meeting on a one to one basis
17 or a one to three basis or even a one to five basis.
18 Everyone needs to hear the same thing.

19 MR. MUSSER: I don't disagree. I mean, this
20 meeting tonight was not really aimed at reviewing
21 interim action activities, but you know, we're not
22 bashful about talking about the interim actions.
23 They're all documented in a handout, which you can
24 pick up out there, but any opportunity in a technical
25 informational meeting, like we're discussing here now,

1 that would be a great subject.

2 AUDIENCE MEMBER: Does that apply in the
3 joint meetings also that will come out to the public
4 involvement process here?

5 MR. MUSSER: Sure.

6 AUDIENCE MEMBER: I mean, whatever mechanism
7 is finally decided upon, whether it's an enlarged CAP
8 or an elected, Dow will be available to make
9 presentations and respond to questions?

10 MR. MUSSER: Absolutely.

11 AUDIENCE MEMBER: Okay. Excellent. We're
12 moving forward.

13 MR. MUSSER: But, I mean, you know, the idea
14 here is if it's truly useful to pass along
15 information, if it's a meeting where people can behave
16 themselves. It's not a bash Dow party, you know, but
17 we're going to be at every meeting, and we'll share
18 any information that the public wants us to share, and
19 we'll be accountable.

20 AUDIENCE MEMBER: We'll try and minimize the
21 ambushes.

22 MR. NELSON: Other comments on how we can
23 improve technical informational meetings? Okay.
24 Let's move on. Near and dear to some of your hearts,
25 how could the town hall process and concept be

1 improved to inform and gather information from the
2 community at large? How can we do a better job, if we
3 come out to a major community meeting, getting
4 information from the public? What are some things
5 that could be different from past town hall meetings
6 or your concept of what a town hall meeting might be
7 that we can do better?

8 I think Frank talked about his concerns related
9 to town hall meetings of the perhaps a one way
10 communication, especially if it's a large group with
11 limited time frame, more of a single comment, two to
12 three minute comment, a response, and to meet all the
13 other folks who want to speak, literally nobody gets a
14 second round. Now tonight is very different. This is
15 a good example of how smaller groups can function.
16 Any of you have a thought on how we might improve this
17 situation, what we can do to make those larger
18 meetings more effective so there's really a dialogue?

19 AUDIENCE MEMBER: I guess you need to
20 advertise them better somehow. A little article in
21 the newspaper three days before --

22 MR. NELSON: Better media?

23 AUDIENCE MEMBER: Somehow.

24 MR. NELSON: I understand what you're
25 saying. Better publicity. Better notification. Are

1 there other things that we might -- when we get to the
2 meeting to have them more effective also?

3 AUDIENCE MEMBER: On the front end, maybe
4 give them homework on what you're going to talk about
5 so they can come --

6 MR. NELSON: Clear agenda, pre-meeting
7 information, here's what we're going to discuss
8 tonight.

9 AUDIENCE MEMBER: A place they can send
10 questions to where you can talk about. That speeds up
11 the process.

12 MR. NELSON: So perhaps some sort of a
13 website or something where people could come prepared
14 to respond to certain questions or comments, literally
15 have kind of a pre-meeting communication option
16 basically covered at the meeting. Okay. Other
17 things?

18 AUDIENCE MEMBER: Just like what you're
19 speaking to, how this meeting was set up I paraphrase
20 as a two part meeting. The first part, each time
21 there is a subject matter to be dealt with before
22 everything is open to whatever folks want to speak to
23 but have some structure at the front end so some
24 progress is made hopefully with regard to at least one
25 specific topic, if not two, and then open it broadly.

1 MR. NELSON: Start with structure and then
2 go on to public input. Sounds good. Other
3 suggestions?

4 AUDIENCE MEMBER: Everybody knows who
5 everybody is. I know there's not many public here,
6 but introduce people.

7 MR. NELSON: We can certainly go -- I'll
8 tell you why I didn't. At the previous meeting, we
9 had 86 people there, and it's challenging sometimes
10 when you kind of shift the ground rules, bounce them
11 depending on the size of the group. I'll fully admit
12 that's a good idea, and I probably should have picked
13 up on that.

14 AUDIENCE MEMBER: I personally don't have a
15 problem with putting on name tags. We're all trying
16 to make it better.

17 MR. NELSON: I think one of the points that
18 you're trying to make though is getting to know the
19 other folks who are concerned about the issues
20 interested and finding a neutral, positive way to do
21 that, not a negative, like you said, something I don't
22 like.

23 AUDIENCE MEMBER: What their interest might
24 be at and their level.

25 MR. NELSON: We would have to find a way to

1 do that within reason if we have a meeting with 100
2 people. Other things we can do to improve a town hall
3 meeting, a large meeting, how can we do it better?

4 AUDIENCE MEMBER: Well, I kind of gave my
5 feedback on the -- John has responded -- to make it
6 truly a joint process and a joint dialogue between the
7 community and the responsible parties and the State.

8 MR. NELSON: Okay. I want to also talk
9 about the community dialogue on major milestones. We're
10 a little ways from any major milestone right now, but
11 they'll be coming up. As Jim described it, it would
12 be like holding a public hearing. It's something we
13 want to make sure the community is very clear on
14 what's being proposed.

15 You mentioned the need to better publicize
16 things. So this might include highly accurate
17 information about what's going to be proposed in a
18 major milestone very clear. Can you think of ways
19 that we might do that? In other words, how can we
20 improve community dialogues on major milestones then?

21 There are going to be some. The process is
22 moving forward. I think when you see the interim
23 things that Dow is doing, some actions are being
24 taken. Lots of studies are ongoing. Some of those
25 things are going to be reported and decisions are

1 going to be made. How can we best let folks know
2 what's going on and then present the whole package?

3 AUDIENCE MEMBER: You've already suggested
4 the possibility of holding meetings for the
5 milestones, but also I think press releases, and Dow
6 certainly hasn't been adverse to putting out full page
7 ads in the major newspapers in the area, so that may
8 be good too.

9 MR. NELSON: Can I suggest, a number of you
10 talked about things where Dow and the DEQ agree, and I
11 think milestones might be those kinds of things, where
12 there are agreements. Can you see joint information
13 releases from Dow and the DEQ?

14 AUDIENCE MEMBER: Yes, but I think there's a
15 danger in that, and I'd like to be able to see where
16 the disagreement exists, too. I think that the public
17 is done a disservice if they think everything is fine
18 and there's agreement and that the regulatory parties
19 are walking hand in hand together. In the best of
20 worlds, that would happen. I think the public
21 deserves information that demonstrates the
22 differences, where they stand separate.

23 MR. NELSON: So you need to see both points
24 of agreement and disagreement?

25 AUDIENCE MEMBER: Yes, because the community

1 is hearing it. They might as well be honest and open
2 about it.

3 MR. NELSON: Okay. Other thoughts about
4 community milestones -- about major milestones before
5 we move on? Okay. Now we have some information
6 sheets out there. In fact, we have quite a bit of
7 information out there tonight. Do you have any
8 suggestions on how we may improve things like that,
9 literally handouts that go with meetings, updates and
10 things like that on various activities?

11 Is there anything we can do to improve? You saw
12 seven or eight things, including frequently asked
13 questions, I think document brochures. Are those
14 kinds of things working? Are we on the right track?

15 AUDIENCE MEMBER: Yes.

16 MR. NELSON: Okay. Any other folks?

17 AUDIENCE MEMBER: One thing that we have
18 done previously is we have just informal meetings
19 where people could come in and just talk to Dow and
20 DEQ and just ask questions, look at maps, you know,
21 look at core samples that have been collected.

22 MR. NELSON: An open house format.

23 AUDIENCE MEMBER: It's not -- there's not a
24 structure on it. It's just, here's an opportunity if
25 you've got some specific questions, you know.

1 MR. NELSON: Is that useful for the rest of
2 you? Is that kind of format useful? Okay.

3 AUDIENCE MEMBER: Sure.

4 MR. NELSON: Not doing away with the more
5 structured format, but also having the smaller, one on
6 one, kind of thing. Okay. Very good.

7 AUDIENCE MEMBER: One more on that, not
8 being able to find on print, we'll be able to find it
9 on the web as well.

10 MR. NELSON: All right. Sounds good. Have
11 everything on the web.

12 MR. MUSSER: One concept we talked about,
13 just as tonight, DEQ and Dow folks were here before
14 the meeting and planned to stay a little bit
15 afterwards for that kind of open house kind of
16 discussion. That was also part of the concept I think
17 for the meetings. That we would have -- virtually any
18 of those types of meetings that were listed up there,
19 that there would be some time available for just
20 chitchat, if people felt more comfortable talking with
21 somebody one on one instead of standing up in front of
22 a group and airing out their concerns or comments.

23 AUDIENCE MEMBER: But we didn't know who you
24 were beforehand. If you don't know who you're talking
25 to, it's hard to communicate on a one on one

1 situation, and I'm the first one that's gone to one of
2 these meetings. I'm gathering information. I'm sorry
3 I don't have any input. I think reading the
4 information that was out there that I've read shortly
5 before the meeting started was very informative.

6 MR. NELSON: Let me ask a question, because
7 I want to follow up on what you said. I don't want
8 this to look in any way like people's whose names are
9 mentioned are different, more important, whatever,
10 than people who aren't. We're in a town hall format.
11 If there's 100 citizens who showed up and there are
12 four people from Dow and four from DEQ, I'm just
13 picking numbers right now, if we introduce those eight
14 people and don't ask the 100, who are you, somebody is
15 going to look at us, you elitist son of a guns. I'm a
16 little devil's advocate here.

17 MR. CHESTER: I think that the nature of the
18 comment really here is if we're going to stick around
19 to have discussions after this meeting it would be
20 helpful to know who the Dow and DEQ reps are, and
21 maybe name tags would be a good way to go.

22 MR. NELSON: But before, too, I think you
23 had the point that prior to any introductions somebody
24 could identify John or Jim or yourself or Bob or
25 whoever. That might be useful. Would that help you,

1 if there was a name to go --

2 AUDIENCE MEMBER: If you're DEQ or Dow, if
3 you don't want to put a name on it.

4 MR. NELSON: These are very human folks. I
5 think that's a good comment. I think we'll work on
6 it, and we're glad you're here tonight. Some of us we
7 know better than the other.

8 AUDIENCE MEMBER: I see that.

9 MR. NELSON: Now Terry started on this, so I
10 kind of want to follow up. The question is, how can
11 Dow and DEQ best approach and participate in group
12 meetings? These are the Kiwanis, the Rotary, all the
13 other things. I think what we heard very clearly at
14 the CAP meeting, they need to show up together, not
15 one or the other, let's hear it all, let's get the
16 issue out in front in a way that everybody hears. Is
17 that --

18 AUDIENCE MEMBER: Yes.

19 MR. NELSON: Is that a fair representation
20 of what was said there?

21 AUDIENCE MEMBER: Yes.

22 MR. NELSON: Other viewpoints here? Do
23 people see that perhaps differently, that it's okay to
24 have the DEQ at one meeting and Dow at a different
25 one, or is it really good to have them go in tandem?

1 Now I'll frankly admit, I'm unaware of how many
2 meetings there are. How many have gone where there
3 have been separate invitations or joint? I think that
4 perhaps there may be more in the future.

5 AUDIENCE MEMBER: I just struggle with the
6 concept that if there's a group out [there] that wants to just
7 invite DEQ or Dow, I think both parties should be
8 polite enough to let the other know that there was an
9 invitation extended, but I just -- if Kiwanis in Bay
10 City wanted to speak just to DEQ, I don't know why
11 they shouldn't be allowed to do that.

12 MR. NELSON: Okay. Go ahead.

13 AUDIENCE MEMBER: I guess I don't have any
14 problem with that either. In fact, I like the idea of
15 either party informing the other, because sometimes it
16 seems an uneven playing field. I mean, the State is
17 represented by the DEQ. They're involved in a lot of
18 things. I don't know what percentage of their staff
19 is available for, you know, community organizations.

20 I think Dow, on the other hand, has quite an
21 extensive staff that's available for community
22 organizations, and I want it to be a fair playing
23 field. I regularly present at an environmental
24 dynamics class at Saginaw Valley. Dow also presents.
25 The students get to hear both perspectives.

1 I would like to see the same thing happen with
2 the State. If Dow goes to Kiwanis, I think the State
3 should know that, and if the Kiwanis are interested,
4 then the State should be available to come in and give
5 their perspective.

6 MR. NELSON: So there's an opportunity for
7 both sides to be heard or at least understand that
8 this is where the information is going. Did I fairly
9 state that? Okay. We've talked about a lot of
10 different ways to communicate with folks tonight. Are
11 there things we've missed? Is there some other
12 communication method or tool?

13 You brought the internet, obviously a number of
14 you have. Make sure things are on the web. Are there
15 things we should be doing? We heard regularly,
16 communicate with the media, make sure things get out
17 ahead of time. Are there other avenues that we should
18 be exploring that we really have not touched on
19 tonight that are useful ways?

20 AUDIENCE MEMBER: What about if you were to
21 make this all available before the meeting. I don't
22 know. Was it on-line somewhere that you could
23 download it or to have known all the specific
24 questions you were going to ask? That might have
25 generated more interest if people knew exactly --

1 MR. NELSON: I'll ask these two guys about
2 timing on things.

3 MR. SYGO: Well, if you're going to have a
4 town hall meeting, part of it would be, how you make
5 that available to a community at large without sending
6 them specifically a directed mailing and, you know,
7 having the directed mailing for the number of meetings
8 that we anticipate.

9 AUDIENCE MEMBER: If the agenda was on the
10 internet, here's exactly what we're going to ask.

11 MR. SYGO: That we can do.

12 AUDIENCE MEMBER: If you knew all those
13 questions, it might -- I'm a reporter. So for me, now
14 I can write a story.

15 MR. SYGO: Now we get back to not everybody
16 has computer access. So where else could we provide
17 it? We could provide it in the libraries. We
18 could -- I think the thing would be to use inserts in
19 papers but --

20 AUDIENCE MEMBER: Give it to the reporters.

21 MR. SYGO: Bay City Times.

22 AUDIENCE MEMBER: If I had more information,
23 perhaps I would have used more space, but I don't have
24 as much information.

25 MR. NELSON: There was a bit of a timing

1 issue. I think some of these folks were working close
2 to the meeting. For next week's meeting, same agenda
3 in Saginaw and in Midland. Indeed, what's on the
4 table could be out ahead of time for those folks.

5 There was some timing, I know, working to get things
6 ready for this meeting. You'll see dates on some of
7 the items are fairly close to today's date, but that's
8 a good point.

9 AUDIENCE MEMBER: What if you turn it around
10 a little bit and ask to see if you can develop a list
11 of key contact people to help promote your meeting in
12 each community?

13 MR. NELSON: Okay. So, for instance, if
14 there is certainly a CAC or an expanded town hall
15 format, you've got folks who commit to regularly
16 appearing.

17 AUDIENCE MEMBER: The newspaper guys, the
18 radio guys, whoever it is that are going out, to say
19 something that we're having this thing, at least I'm
20 saying five to seven days ahead. Maybe it wouldn't
21 have worked for today.

22 MR. NELSON: I think we're a little strained
23 here being the end of August, pretty big vacation
24 month for Michigan. It's just the way it is. All
25 right. Any other comments before we move on to what's

1 next?

2 What you have, of course, is that the DEQ and Dow
3 came into the meeting tonight with a proposal they
4 presented to you about the CAC. What the goal is to
5 provide information to the community and to receive
6 community input during a decision progress. This is
7 going to evolve. There is a commitment to do two more
8 meetings, one in Saginaw, one in Midland, again to
9 listen.

10 Every meeting has its own character. This is
11 certainly a different meeting than the last meeting
12 that was held, certainly than the technical
13 information meeting with Linda Birnbaum. So keep
14 working on things. Keep putting things together. So
15 what's next, you can tell us, Jim.

16 MR. SYGO: Well, based on comments we've
17 gotten tonight and your input tonight, as Chuck has
18 already mentioned, we still have two meetings that are
19 planned. One is on the 24th in Midland and that's at
20 the Holiday Inn. If somebody wanted to check that one
21 out, it's 6:30, the same time, and then on the 25th at
22 the Horizon Center in Saginaw Township on State
23 Street, same time 6:30, and that's the 25th.

24 Our interest -- we'll collate all the information
25 we receive and the comments. Those will all be

1 transcribed. They'll be available on the web so
2 everybody will have a chance to see other meetings.
3 If you're not able to get to them, you'll see what the
4 comments are. I think our intent is to take that and
5 then to communicate back to the communities on what we
6 plan to do based on all that input.

7 And the intent that I think we're looking at
8 right now to do that is to do something like an insert
9 into the paper so people have an understanding of
10 that, and as we move forward and we get these groups
11 together, whatever organizational structure they're
12 going to take, we'll be in contact to set those up.

13 If we're going to go town hall meeting, we'll go
14 in one direction to make sure that information gets
15 out to people that have an interest and get a sign up
16 list and let people know that we're going to have
17 these regular meetings. If we're going to have a CAC
18 proposal, then we'll be looking at that process, but
19 that will be communicated as part of this insert
20 basically.

21 Currently, we wanted you to know one of the
22 documents on the table has a number of studies that
23 are identified and underway, and it also describes the
24 corrective action process, and a lot of that
25 information has now become available, and we're going

1 to have some catching up to do in getting this
2 information out to the public as well.

3 So we'll likely be holding some of these meetings
4 and be able to provide some of that information as
5 they become available. Again, we're making that
6 available on our website. Again, some of the
7 documentation on there has a direct button to our
8 website. It lists the website so you can look some of
9 these reports up if you have an interest in them.

10 And then at the end of this year, one of the
11 bigger aspects that we're awaiting for Dow to submit
12 will be the Remedial Investigation Work Plan. That
13 was called to be submitted by the end of the year as
14 part of the framework, and the work plan is actually
15 going to be the mechanism by which further studies
16 will continue on to look at the remediation and
17 activities that are necessary to come up essentially
18 with what essentially would be a Remedial Action Plan
19 for addressing all these aspects.

20 And finally, the other thing that I wanted to
21 mention briefly is that July 29th we had our initial
22 meeting with what we believe will be some of the
23 trustees that are involved in evaluating natural
24 resource damages, and I say our initial meeting, what
25 I believe, because it hasn't been a certified process

1 yet. Fish and Wildlife Service will be acting as the,
2 what they referred to, AI, the administrative trustee
3 for the process. They've agreed to do that.

4 And currently, we're -- again, it was a convening
5 meeting of the Department of Interior, EPA was
6 involved, Department of Justice, DEQ, DNR, Attorney
7 General's Office, and the Tribal Councils that were
8 part of this, as well as a neutral facilitator from
9 EPA, and again, it's the very initial discussions to
10 try to get collection of information, types of
11 presentations they're going to want to see, type of
12 data and information that they're going to want to see
13 to evaluate the types of natural resource claims that
14 might exist under a situation of this nature.

15 So our hope is that that particular process will
16 also use this public input process, so that as they
17 have information that they want or information they
18 want to provide, we'd use the same process and run
19 that through whatever ongoing public information
20 process we come up with and so that we can make that
21 transparent as well. I think that's it. Ready for
22 adjourning. Turn it back to you.

23 MR. NELSON: Go ahead, Terry.

24 AUDIENCE MEMBER: Given the fact that it's
25 only a little after 8:00, we have extra time.

1 MR. SYGO: We're available for questions.

2 AUDIENCE MEMBER: Can John give any input on
3 the interim responses?

4 MR. MUSSER: Sure. I'm going to use the
5 document that we've got out there. It's better than
6 my memory. As you know, we've been most of the summer
7 working on these interim actions in the Priority 1
8 areas, and those again are the three communities or
9 the three [residential] areas in Midland and the properties
10 along the Tittabawassee River, and the activities have
11 been both in the parks along the river, as well as in
12 residential properties.

13 In the parks situation, we've done considerable
14 work in Freeland Festival Park and in Imerman Park and
15 West Michigan Park, and in the case of Freeland
16 Festival Park, we have installed hand wash stations.
17 We've replaced about 6 inches of soil and
18 reestablished or reseeded the area around the pavilion
19 area there, and we've installed -- or in the process
20 of finishing up installing a wall between the park and
21 the river in the developed park area which provides a
22 direct access to the river. Construction of
23 handicapped accessible two-tier deck along the
24 shoreline, and made a provision for funding additional
25 signage in those areas.

1 In Imerman Park, we've installed again the portable
2 hand wash stations. They've been doing some
3 stabilization work on the river bank to minimize
4 erosion. They've constructed a floating dock for
5 fishing. Construction of a handicapped fishing
6 platform along the river and asphalt concrete walking
7 path to the fishing platform pavilion and handicapped
8 fishing platform. So those are all actions aimed at
9 minimizing contact with contaminated soils.

10 Also at Imerman, they're going to be relocating,
11 pending approval or permitting from DEQ, a dog park
12 that exists at the back of the park. They're going to
13 move that up to the front of the park. Installation
14 of a concrete pad is planned for use as a staging area
15 for cross country track meets that are held out there.
16 This will give them a pad about 60 feet by 100 feet,
17 which is quite a substantial chunk of concrete pad
18 there, so that the teammates can stay off the contact
19 with soils, so they'll be above that.

20 There's also -- in West Michigan Park, there will
21 be hand wash stations, replacement of sand in play
22 area, gravel cover over walking path down to the river
23 from the parking lot, again these advisory signage.

24 We've also had quite an extensive amount of
25 communication put in strategic locations throughout

1 all the communities located in various places, in
2 James Township Hall, Thomas Township Library, Grace A.
3 Dow Memorial Library, Zauel Memorial Library, Hoyt
4 Library, the Tittabawassee Township Hall. All of
5 these have constructed bins or information centers
6 there with various documents in there that are either
7 DEQ, DCH, or ATSDR, or Michigan Department of
8 Agriculture, relevant literature on the dioxins and
9 furans.

10 We also have a number of studies underway. Some
11 of the more well known studies, the MSU study, the
12 ecological risk assessment, and then there's the University of Michigan/
13 Garabrant study
14 This is the human exposure study. There is a plan to
15 conduct a bioavailability study, which is hopefully
16 going to take place early next year.

17 In addition, you know of the wild game study
18 that Dow did earlier on this year, or actually last
19 year, recently you became aware -- I think there was
20 some media coverage of some preliminary results that
21 were gathered as part of Dow's scoping study in the
22 Tittabawassee River floodplain. These were soil
23 samples in the top 6 inches of the soil, and there
24 were two locations where we had results back, the
25 preliminarily results, but we don't think they're

1 going to change much once they're validated, both in
2 Imerman Park and around the Smith's Crossing area.

3 There's a number of other studies. I'm not going
4 to go through every one of these, but there are several
5 studies that are being conducted by contractors that
6 Dow has employed and provided funding for. There are
7 some studies that Dow has funded without further involvement..
8 For example, the MSU and the University of Michigan
9 studies are both funded by Dow, but they're being
10 conducted independent of any involvement from Dow.

11 Also, there are some State of Michigan studies.
12 There's several here listed, I think half a dozen or
13 so, and also some EPA studies, and these are at
14 different levels of completion. Many of them are
15 complete. Results are available and posted on the DEQ
16 website, and others of these are sort of in the midst
17 of being completed. So as the results become
18 available, they will be posted on the DEQ website
19 and/or available from Dow.

20 I think that is really the essence of our interim
21 activities at this point. Jim, did I miss anything
22 there?

23 AUDIENCE MEMBER: The residential IRAs?

24 MR. MUSSER: The residential IRAs, I think we
25 have I think 103 properties in the Midland situation

1 and we've got 400 properties in and along the river,
2 and what we've been doing there is we've contracted a
3 firm to make house visits and discuss the need for
4 interim actions on individual's properties, and those
5 actions in all cases included at least offering the
6 carpets being cleaned, that any exposed soils be
7 covered either with grass or sod or in play areas
8 perhaps wood chips.

9 In some cases, we've had people who garden that
10 have a garden bed, and we've provided for elevating
11 those beds and putting new soil in them so that the
12 potential for contact with contaminated soils is
13 limited. Also, duct cleaning, furnace duct cleaning,
14 and replacing furnace filters were included on the
15 list of actions that could be taken if the homeowners
16 wanted them. Nobody was obligated to do it, but they
17 were offered. There were some other unique
18 circumstances with some homeowners that were
19 accommodated as well, but generally, those were the
20 activities.

21 Now in terms of participation rates, I think
22 we're at about 50 on the river and 65 percent in the
23 case of Midland. Now everybody's been -- there's been
24 numerous attempts to contact people. Some people have
25 just not responded. That's why the participation

1 rates are what they are, which is pretty high, but
2 still some people just haven't responded. We've done
3 a number of different things to try to get people to
4 respond, and they haven't. So our best efforts are
5 still being made to make contact and have those
6 discussions with the homeowners, but we'll just see
7 what we get I guess. We're running out of time here
8 in terms of these things take a little while to get
9 accomplished, but we'll keep after it. Any questions?

10 AUDIENCE MEMBER: Thank you by the way.

11 MR. MUSSER: Sure.

12 AUDIENCE MEMBER: Is there any intent on
13 putting those bins -- those informational bins in the
14 Bay City libraries?

15 MR. MUSSER: I don't know where these are
16 located.

17 MR. SYGO: Those were put in -- as part of
18 the Communications IRA, which was issued I think back
19 in October [October 7, 2004], somewhere around there, and subsequent to
20 that point in time, we negotiated the framework which
21 was then taking the upper Saginaw River, Saginaw River
22 and Saginaw Bay and trying to move all that forward.
23 Now my understanding, although I don't know if John
24 can confirm it or not, I've had information from Susan
25 Carrington indicating that they would set those up for

1 Bay City as well. We just haven't had those
2 discussions yet.

3 MR. MUSSER: We'll do it.

4 MR. SYGO: And it's a matter of identifying
5 where those will be done. Some of the signage, which
6 was part of that Communications IRA, I know Al [Taylor] and
7 Kory [Groetsch] were out today talking with Bay County, Bay City
8 officials where they're going to place signs relative
9 to fishing and the fishing signs of restricted types
10 of fish that should be taken basically, and I think
11 that might include soils at some of the boat launches
12 maybe too.

13 MR. TAYLOR: Just fish for the Saginaw right now,
14 until we get the information, like as you noted
15 earlier, and see what the soil situation is along the
16 Saginaw.

17 MR. SYGO: So we're trying to do -- in the
18 effort of pushing this together now, because at one
19 point in time, the license called for a four-year
20 delay in looking at the Saginaw River and Saginaw Bay,
21 we're trying to move some of those items up so we can
22 get that information in place as well.

23 AUDIENCE MEMBER: Yet another question,
24 John, the most recent ground sampling that you alluded
25 to in Imerman Park, very high levels, and there seemed

1 to be, at least in published reports, a bit of
2 sparring between the State and Dow in terms of the
3 implications. Are you, that is your company, involved
4 with negotiations, additional interim responses
5 directed towards avoiding exposure as a result of
6 those higher numbers that have come in?

7 MR. MUSSER: Two part question, and I'll
8 give you a two part answer. The first part of it is,
9 before we put that information out publicly, we sat
10 down with DEQ, reviewed the data, and we agreed on how
11 that data would be communicated, and apparently, there
12 was some misunderstanding about some of the things
13 that were said in the paper or to one of the
14 reporters, and I'll let Jim speak to that because I
15 don't want to speak for DEQ here.

16 But in my speaking with Bob [McCann], there's Bob, there
17 was a misunderstanding, and that's what appeared to be
18 the 'he said, she said, you know, what the data meant,
19 and I don't think there's that kind of a difference
20 between our opinions about what the data means based
21 on what we've seen thus far, which is basically to say
22 that, because of the interim actions that have been
23 taken in the park, we feel pretty confident that even
24 though the levels are, in the case of Imerman Park,
25 largely above 1000 ppt, they aren't really available

1 in the sense that you're going to have a potential
2 for -- a high potential for a lot of exposure because
3 there's not a lot of open ground in that area that's
4 frequently traveled, let's put it that way. There's a
5 lot of grass. There is uncovered soils but it's in
6 the brush where people would have to be off the pathways. The
7 pathways were all covered with wood chips, et cetera.

8 AUDIENCE MEMBER: And you're saying the
9 State is basically in agreement with that?

10 MR. MUSSER: That was the agreement that we
11 had going out with that information, correct. I'll
12 let DEQ speak for themselves.

13 MR. SYGO: Again, I think for the purposes
14 of Imerman Park in particular, that the levels and
15 where the levels were located didn't generate an
16 imminent and substantial threat to people utilizing
17 the parks, because those areas that had the highest
18 levels were more confined, and what had been done
19 tended to reduce levels of access. I think where we
20 had a problem specifically though was referencing it
21 as generally, because one could read that in being
22 applied to residential areas where somebody, you know,
23 existed on their property 24 hours a day potentially
24 where you might use the park, you know, a limited
25 number of times a year, and the levels that you're

1 seeing at that level on residential properties we do
2 believe would be significant.

3 MR. MUSSER: And we have a difference of
4 opinion about that. There is controversy on that
5 point between DEQ and Dow, but not with respect to the
6 park.

7 AUDIENCE MEMBER: Is there any intent to put
8 signage up -- there are activities where people go
9 back and pick mushrooms, whatever, do things -- here's
10 where there's a potential for exposure? Is there an
11 intent to put signage up?

12 AUDIENCE MEMBER: There are signs up in the
13 park. Dow has established an escrow account to fund
14 placement of more permanent signs, you know,
15 signs that are metal and will be there on a year-round
16 basis, and those are actually in the process of being
17 printed now by a contractor in Bay City and one in
18 Freeland.

19 AUDIENCE MEMBER: What would be the
20 approximate wording on those signs?

21 MR. TAYLOR: Well, there's -- the approximate
22 wording is -- do we have -- do we have the soil signs?

23 AUDIENCE MEMBER: They're not just about
24 fishing advisories?

25 MR. TAYLOR: No. Especially along the Tittabawassee

1 River floodplain, we know where there are high levels
2 of dioxins and furans, so they basically advise
3 against contact with the soil.

4 MR. GROETSCH: To give you a broader perspective,
5 the parks when you first drive in, there will be an
6 entry sign that says, soil and fish consumption
7 advisories in effect, so you'll know that something's
8 going on. Then when you get in there, either at the
9 trail heads at Imerman Park, which is a more
10 complicated place because we had to figure out how to
11 sign, or at key fishing locations, you'll come across
12 signs that will either talk about soil advisory or the
13 fish consumption advisory.

14 There's one unique situation, Shiawassee Fishing
15 and Wildlife Game Preserve, or whatever it's called,
16 where we'll actually have a wild game advisory, which
17 also is along the Tittabawassee. That's the only
18 place we could see where there's land where people may
19 actually go hunting, so there we'll also have signs
20 posted about the wildlife advisory.

21 MR. TAYLOR: At Imerman, for example, there are
22 signs for the trails that will advise you to stay on
23 the trails on the wood chipped areas, because the
24 chips provide somewhat of an exposure barrier to
25 contact with the contaminated soil. There's a range

1 of signs at Imerman.

2 They're similar at Freeland Festival Park where a
3 lot of work has been done. Top soil is covered up
4 with 6 inches of clean top soil. The signs would say
5 something like, the soil advisory would extend to the
6 non-maintained areas of the park. Similar signs will
7 be at West Michigan Park, the boat launch. We're
8 still working out issues with Bob Caldwell Boat Launch
9 and Dow Chemical next to it, but we've also been in
10 contact with Saginaw County, the City of Saginaw, Bay
11 City, and we have a couple other small -- Essexville
12 and Bangor Township.

13 There's a lot of different municipalities that we
14 have to reach out and contact and negotiate with
15 individually for those signs. We want to have a
16 consistent message down the watershed with these
17 signs. We don't want the signs in Midland, for
18 example, to say something completely different than
19 they say in Freeland to say something that's different
20 in Saginaw. It's actually been more time consuming
21 that we had hoped.

22 MS. HOWE: There's a small copy of the fishing
23 advisory sign on the bottom of the easel there on the
24 right side.

25 MR. TAYLOR: We have a larger one in the car that we

1 can get.

2 MR. NELSON: Anyways, we've reached the
3 8:30 hour. I appreciate all your attention. You did
4 a good job providing some input. Jim has one comment
5 that he wants to finish up with I'm certain. Thank
6 you for coming.

7 MR. SYGO: The one other thing I did want to
8 mention, if something comes to mind that you want to
9 make us aware of, by all means, provide written
10 comments. We're going to be -- as I've said, we've
11 got this process going through the end of the month.
12 It's going to take us a little while to collate that
13 information, and again, by, you know, sometime early
14 this fall, we hope to get our perspectives out as part
15 of a newspaper insert so people know that, but if you
16 have individual comments you want to make and/or
17 you're part of a group that wants to make comments,
18 you can e-mail Cheryl Howe or directly to the
19 Department in care of Cheryl Howe.

20 I'd like to thank everybody for coming tonight
21 and your attention and courtesy, and I know some of
22 the staff are going to continue to be here for another
23 half hour or so if you have individual questions you'd
24 like answered. We'll be glad to do that. Thanks.

25 (Meeting concluded at 8:26 p.m.)

1 STATE OF MICHIGAN)
2)
3 COUNTY OF SAGINAW)

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6 I certify that this transcript, consisting of 82
7 pages, is a complete, true, and correct transcript of
8 the proceedings and testimony taken in this case on
9 August 17, 2005.

10

11 I also certify that I am not a relative or
12 employee of or an attorney for a party; or a relative
13 or employee of an attorney for a party; or financially
14 interested in the action.

15

16 August 19, 2005

17

Natalie A. Gilbert, CSR-4607, RPR

18

Notary Public, Saginaw County, MI

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My Commission Expires: 8-10-06

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