

Community Advisory Panel Meeting Summary
Thomas Township Library
8207 Shields Drive, Saginaw
July 31, 2003
4:00 pm

Attendees: Mary Jo Bean, R. Drummond Black, Andre Borrello, Vince Castellanos, Natasha Coulouris, Robert Cowling, Betty Damore, Garret Geer, Rick Hayes, Diane Hebert, Gary Henry, Kathy Henry, Michelle Hurd Riddick, Michael Kelly, Brian M. Kischnick, Mary Kay Knoerr, C. Michael Krecek, Chuck Lichon, Donna Mallonee, Sandy Mannion, Terry Miller, William Morrone, John Niederhauser, Betty Owen, Connie Smith, Rob St. Mary, John Taylor, Jenee Velasquez, William Webber, and Melissa Whitney.

Department of Environmental Quality (DEQ) staff in attendance: Brenda Brouillet, Allan Brouillet, George Bruchmann, Steve Buda, Cheryl Howe, Ginny Himich, Deb MacKenzie-Taylor, Trisha Peters, Liane Shekter Smith, and Al Taylor.

Department of Community Health (DCH) staff in attendance: Brendan Boyle and Linda Dykema.

Welcome Remarks

George Bruchmann, the DEQ Waste and Hazardous Materials Division (WHMD) Chief, welcomed everyone to the initial meeting of the Community Advisory Panel (CAP). The CAP is intended to be an advisory group to the WHMD on corrective action activities for contamination beyond the facility boundary of The Dow Chemical Company, Michigan Operations, Midland Plant under the hazardous waste facility operating license that was issued on June 12, 2003, and related issues. As such, meetings of the CAP will not be public noticed and are not subject to the Open Meetings Act.

Mr. Bruchmann indicated that this expanded corrective action public involvement effort is strongly supported by DEQ Director Steve Chester. Since this is the WHMD's first effort of this type, he asked for everyone's patience through the process. The initial work of the CAP will be to provide input to the DEQ on the Scopes of Work (SOWs) for Remedial Investigation for Midland area soil contamination and Tittabawassee River sediment and flood plain soil contamination that Dow is scheduled to submit on August 11, 2003. Mr. Bruchmann mentioned that the operation of the CAP could be affected if Dow contests the operating license [Note: Dow did not contest the operating license.] The deadline for filing a petition for contested case hearing on the operating license is also August 11, 2003. Cheryl Howe, the WHMD's project manager for the Dow operating license, will moderate the CAP and provide staff support, along with several other agency technical staff. It is expected that the group will control the topics that are of interest to the CAP and topics will emerge as meetings progress.

Introductions

Attendees introduced themselves and some people provided information on their backgrounds and interest in participating in the CAP.

Role and Goals of Community Advisory Panel

Ms. Howe reiterated that the CAP will act in an advisory capacity, not as a decision-making body, that is led by the DEQ. The role of the CAP is to provide focused input to the MDEQ on issues related to corrective action activities for Midland area soil contamination and

Tittabawassee/Saginaw River sediment and flood plain soil contamination. To start with, the CAP will look at the Midland area and river issues combined because many members are interested in both issues. The CAP will also be asked to recommend actions necessary for minimizing exposure and preventing exacerbation of contamination, and to determine whether there any other currently unmet needs (e.g., advisories, public communication/education) that need to be addressed. DCH and local health department staff will play an important role in the CAP because their agencies are mandated to protect public health. Some currently unaddressed issues that were brought up were fugitive dust from Midland area construction projects and potential public health issues in Midland area parks and other areas.

Since this is a new process, feedback is welcome and can be sent via e-mail to Ms. Howe at howec@michigan.gov. Comments received through the CAP process will be given serious weight.

Ground Rules/Expectations for Participants

Steve Buda, Chief of the Hazardous Waste Management Unit, WHMD, moderated the discussion to establish ground rules for the operation of the CAP. Example ground rules included in the information packets were used as a starting point. The following ground rules were established for the CAP meetings:

1. Meetings will start and stop on time.
2. One person speaks at a time after acknowledgment from the moderator.
3. Respect all panelists.
4. Respect the moderator's authority.
5. Stay current with the panel. If you can't attend all of the meetings, familiarize yourself with the meeting summaries.
6. Be honest.
7. Speakers must be mindful of time limits.
8. Group participation is encouraged, but the group needs to keep on the agenda to make sure required tasks are addressed.
9. Show sensitivity.
10. Speak up and speak clearly.
11. Operation of the CAP will be open and transparent.
12. Comments made during meetings will not be attributed to individuals in the meeting summaries.

Operation and Make-up of Community Advisory Panel

Meeting Frequency/Location. The CAP expressed a preference for establishing a regular monthly meeting time rather than holding meetings on an as-needed basis, so they will be easier to work into schedules. That way, meetings can simply be canceled if there are not sufficient topics to meet on. It was decided that the first week of the month and a 4:30 pm meeting start time would work best. Tittabawassee Township volunteered a facility for the next meeting of the CAP. It will be held at 4:30 pm on Wednesday, September 3 at the Memorial Park Building. Future meetings will be rotated to different locations within the Tri-County area. To date, John Niederhauser, Mike Krecek, and William Morrone have suggested facilities that can be used for future meetings.

Agenda Development. Suggestions for future meeting agenda items can be e-mailed to Ms. Howe at any time. A week or so prior to the next scheduled meeting, a reminder note with a cutoff date for proposing agenda items and details regarding the time and location of the next

meeting will be sent out via e-mail. A final agenda will be e-mailed a day or two prior to the meeting.

Meeting Documentation. Meeting summaries will be prepared by Ms. Howe for review at the subsequent meeting. Meeting summaries will generally reflect the “sense of the group” (including dissenting opinions, as appropriate) rather than attributing comments to particular individuals.

Communication. The preferred method of communication with CAP members is by e-mail in order to keep mailout costs to a minimum. Anyone who does not have e-mail access and prefers to be contacted by phone should notify Ms. Howe so a separate phone notification list can be maintained.

Media. Media attendance will be allowed, since the intent of the CAP is to operate in an open and transparent manner. As a courtesy, media should notify Ms. Howe of their interest in attending so their names can be included in the e-mail distribution list.

Potential Length of Commitment. Participation will be on an on-going basis as long as the CAP process continues. At this time, members will not have set terms for participation.

Other Participants? The CAP was asked whether anybody was missing who should be attending. Ms. Howe indicated that U.S. Fish and Wildlife Service representatives would be invited to attend and that outreach to other local government officials would be done prior to the next meeting. It was suggested that the following should be contacted about attending: the Bay City State Park Manager, a Thomas Township representative, and an Army Corps of Engineers representative.

Equitable Representation. The make-up of the CAP was tabled as an agenda item for the next meeting.

Overview of Corrective Action and Scope of Work Requirements and Update on MDEQ Work

Al Taylor made a presentation on this topic. An electronic copy of the summary slides is attached.

Overview of Draft Tri-County Project Coordination Plan/Community Involvement Plan

Because the meeting was running long, Ms. Howe gave an abbreviated overview of the graphic that illustrates the proposed Tri-County Project Coordination Plan. Any comments were requested to be sent to Ms. Howe by August 29, 2003 on the Tri-County Project Coordination Plan/Community Involvement Plan that was a handout at the meeting. An electronic copy of this document is attached.

Questions/Wrap-up

Agenda items for the September 3, 2003 meeting will be due to Ms. Howe by August 29, 2003.

A request was made that the DEQ look into setting up a listserv for the CAP.

To ensure that everyone has some basic knowledge about dioxins and furans, some basic reference documents were included in the CAP members' information packets. A great deal of information on this topic is available via the web. The DEQ's Dioxin Information web site

address is: http://www.michigan.gov/deq/0,1607,7-135-3308_21234---,00.html or go to <http://www.michigan.gov/deq> and click on the Dioxin Information Quick Link. Dow's dioxin web site address is: <http://www.miopsdioxindata.com/index.htm>. Dioxin information is also available at web sites such as: www.trwnews.org www.trwnews.net and www.ecocenter.org. It was suggested that dioxin education should be a future meeting agenda item. A presentation that Tracey Easthope of the Ecology Center made to the Midland dioxin panel was mentioned as a potential future meeting topic. In addition, it was suggested that someone with expertise in methods for dioxin remediation should be invited to make a presentation at a future meeting.

A question was asked about whether warning signs would be placed at Midland area locations such as the Caldwell Boat Launch and the softball field at Plumer Park. A brief discussion ensued about the previous decision by Midland officials not to sign such areas. A comment was made that the precautionary principle should be followed at areas that are known or suspected to be contaminated. These types of comments need to be brought up to Dow as topics to be addressed in the Midland Area SOW that will be submitted on August 11, 2003. The posting of warning signs at the Caldwell Boat Launch needs to be re-visited at a future meeting.

DEQ staff announced that the appendices to the June 2003 Tittabawassee/Saginaw River Dioxin Flood Plain Sampling Study Final Phase II Report were just posted on the DEQ web site. They are located at: http://www.michigan.gov/deq/0,1607,7-135-3308_21234-43808--,00.html.

It was reiterated that people who deal with river dredging (i.e., Army Corps of Engineers) should be at the table to help answer questions such as whether dredging has the potential to create more problems. It was also indicated that residents who are interested in this and related topics (e.g., siting of a new confined disposal facility) may be asking about participating in the CAP.

The meeting was adjourned at about 7:00 pm.