

**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Jay Kramer  
**Sent:** Fri 9/15/2017 12:32:01 PM  
**Subject:** Re: September 28 AOA Invitation

Ryan,

I wanted to follow up on this request. How do things stand? Also, if we wanted to bump him up in the day, would that be possible? We were thinking 11:15 AM – 12:00 PM. As I mentioned, we are flexible, so no problem if not. We will accommodate him.

Thanks,

Jay

On 9/13/17, 1:56 PM, "Jay Kramer" <[jay@opportunityus.org](mailto:jay@opportunityus.org)> wrote:

We're pretty flexible, but would love to have him join between 12:00 PM – 2:00 PM. Thanks for helping on this.

On 9/13/17, 1:40 PM, "Jackson, Ryan" <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)> wrote:

No, I've got it. No problem. I just need to run this through the scheduling because I think the Administrator would like to change his existing travel plans to accommodate this. Do you know when in the day he would speak?

**From:** Jay Kramer [mailto:[jay@opportunityus.org](mailto:jay@opportunityus.org)]  
**Sent:** Wednesday, September 13, 2017 12:55 PM  
**To:** Jackson, Ryan <[jackson.ryan@epa.gov](mailto:jackson.ryan@epa.gov)>  
**Subject:** Re: September 28 AOA Invitation

Ryan,

I'm sure you're slammed so I wanted to kick this to the top of your box. Let me know if you need anything else.

Thanks,

Jay

On 9/12/17, 9:24 PM, "Jay Kramer" <[jay@opportunityus.org](mailto:jay@opportunityus.org)> wrote:

Ryan,

Per my conversation with Samantha, I'd like to formally extend an invitation for Administrator Pruitt to speak at our upcoming American Opportunity Alliance meeting. The meeting will be on Thursday, September 28 in New York. We plan to gather from 8:30 AM – 4:00 PM and welcome him at any point during this window. We hope that the Administrator could address his role in the administration, the accomplishments to date, as well as his views on the current landscape.

Look forward to hearing back from you.

Best,

Jay

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Jay Kramer

Cell: 913.961.5988

Office: 703.260.7145

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**To:** Jackson, Ryan[jackson.ryan@epa.gov]  
**From:** Peter Wright  
**Sent:** Wed 11/22/2017 2:44:55 PM  
**Subject:** Tittabawassee Matter  
[Tittabawassee Dioxin Matter Chronology.docx](#)  
[AOC Public Comment Transcript.pdf](#)  
[dmdf factsheet 200912.pdf](#)  
[dowchemical fs 201007 timeline\[1\].pdf](#)  
[EPA AOC 2 june-17-presentation-200906.pdf](#)  
[EPA Comments on Revised Dow RIWP Final ADR Confidential Version.pdf](#)  
[Gade Jan 11 Letter-smaller.pdf](#)  
[june-17-presentation-200906.pdf](#)  
[Kepler March 4 2008 Bodine letter.pdf](#)  
[Letter to Susan Bodine-smaller file size.pdf](#)  
[proposed-aoc-fact-shaeet-final.pdf](#)

Ryan

Attached please find a chronology and and some key documents related to the Tittabawassee and Midland matters (the Tittabawassee River runs through the original Dow Chemical plant in Midland). This would be the most controversial matter and the single most publicly successful matter that I have worked on at Dow. As you will see the high point of the controversy and then the turn around comes at the end of the Bush Administration and beginning of the Obama Administration.

I can provide additional details if you think it would be helpful.

Separately I will send a list and copy of publications and presentations.

Regards,

Peter

U.S. ENVIRONMENTAL PROTECTION AGENCY

REGION 5

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RE: Proposed Settlement for the  
Tittabawassee River & Saginaw River  
& Bay Cleanup

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PROCEEDINGS HELD in the above-entitled matter on  
Thursday, November 5th, 2009 at Saginaw Valley State  
University, Curtiss Hall Saginaw, Michigan.

APPEARANCES:

EPA PRESENTERS:

RICHARD KARL, Director Superfund Division,  
ROBERT KAPLAN, Regional Counsel EPA,  
WENDY CARNEY, Program Manager Superfund Division,  
FRANK RUSWICK, Senior Policy Advisor MDEQ

Reported by: Robin Alvis Doan, CSR 5650  
Tri-City Court Reporters, Inc.  
5226 State Street  
Saginaw, Michigan 48603  
(989) 792-4712

1 Saginaw, Michigan

2 Thursday, November 5th, 2009 - 7:08 p.m.

3 MR. KARL: Welcome everybody and good evening.  
4 My name is Rick Karl I'm the director for the Superfund  
5 Division at USEPA Region 5. First off we are all  
6 pleased to be here to discuss the proposed settlement  
7 between USEPA, Michigan Department of Environmental  
8 Quality and Dow Chemical.

9 We have assembled a number of our key personnel  
10 both from Michigan Department of Environmental Quality  
11 and EPA to hear your comments, to outline what's in the  
12 proposed settlement and also to answer any questions you  
13 may have regarding the proposed settlement.

14 If I could just ask the folks from MDEQ and EPA to  
15 stand up at this time so you know who they are. And as  
16 you can see there's strength in numbers. And also these  
17 are the people that have been responsible to bring  
18 forward this proposed settlement and they're here to  
19 listen. And I think it's very important for them to be  
20 here to hear your comments and so I'm very much  
21 appreciative that they could all be here tonight.

22 I want to let you all know that we come here with  
23 an open mind to listen to your thoughts because we want  
24 to make certain that any proposed settlement becomes a  
25 big step forward in accelerating the clean-up here. The

1 clean-up of the Tittabawassee River, the Saginaw River,  
2 Saginaw Bay and the floodplains.

3 And it's important to us that the sooner we can  
4 begin this work the sooner we may be able to complete  
5 this work. And certainly that helps benefit the  
6 environment, but we believe it's very important to all  
7 the citizens here in the Tri-Cities area. So we're all  
8 for accelerating this work, moving it forward properly  
9 and we're hoping this proposed settlement is a way to  
10 bring that forward and bring it to fruition.

11 Before I go too far I do want to acknowledge that  
12 we have three State Representatives here in the  
13 audience. Representative Jeff Mayes is here, Jeff.

14 (Applause.)

15 MR. KARL: State Representative Ken Horn is  
16 here.

17 (Applause.)

18 MR. KARL: And also State Representative  
19 Jim Stamas is here.

20 (Applause.)

21 MR. KARL: Tonight's agenda is split into  
22 three different areas, initially you're going to get an  
23 overview of this proposed settlement. We have both  
24 folks from USEPA and from Michigan Department of  
25 Environmental Quality that will give you the highlights

1 of the settlement. After we do that we're going to have  
2 a question and answer session for you, to hopefully  
3 answer your questions about the proposed settlement.

4 If you could hold your questions for that question  
5 and answer session, so the presenters can get through  
6 their presentations. After the question and answer  
7 session we're going to have a short break and then we  
8 will begin our oral comment portion of the session to  
9 hear your comments associated with this proposed  
10 settlement.

11 With that all being said I would like to introduce  
12 our first presenter, it's going to be Bob Kaplan he's  
13 our regional counsel at USEPA Region 5. He's going to  
14 give you some opening remarks associated with this  
15 proposed settlement. Thanks.

16 MR. KAPLAN: Thanks, Rick. My name is  
17 Bob Kaplan, I'm the regional counsel at USEPA Region 5.  
18 Tonight I want to focus on a couple things. First I  
19 want to present an overview of the proposed settlement  
20 that gives you an orientation to where we are in the  
21 process and by that I mean where we are and how we got  
22 here.

23 So as far as the how we got here part it's  
24 important to focus on a number of key dates in the  
25 process, first date to focus on is December 2008.

1 December 2008 is when we first announced that we wanted  
2 to engage in settlement discussions on what's called an  
3 administrative order on consent, an AOC.

4 I know that sounds like a lot of jargon, but the  
5 thing to focus on there is the order aspect of it. I  
6 think you'll hear throughout the presentation a proposed  
7 deal, a proposed bargain, whatever else, but the thing  
8 to focus on there is it is actually an order.

9 And in December 2008 we came out with our proposed  
10 proposal, it was a model that we intended to use. And  
11 we shared it with the community members, we shared not  
12 only that but the documents that form the basis of the  
13 model as well.

14 From thereafter fast forward to about February of  
15 2009. And in February 2009 there's a new  
16 administration, the administrator wanted to make sure  
17 that we're on the right track. She wanted to do a  
18 ready, aim, fire approach and make sure that we were  
19 altogether and all doing the right thing. So there have  
20 been a number of as she put it false starts, a number of  
21 interventions by various regulatory bodies, but we  
22 wanted to make sure we got it right this time.

23 So she took a break and said before we go back into  
24 the negotiations let's instead take a step back and make  
25 sure we're on the right track. And in March, mid-March

1 of 2009 a number of us came to Saginaw, a number of us  
2 from headquarters as well on behalf of the administrator  
3 to get into discussions with major stakeholders to hear  
4 points of view, have an exchange of information.

5 And that was very helpful to all of us to hear all  
6 the points of view. And we took that back reported it  
7 to the administrator and that resulted in a May 26th,  
8 2009 letter from the administrator to all of you, all  
9 community members. As far as the where we are part,  
10 that's how we got here and as far as where we are the  
11 letter is really our road map, those were our marching  
12 orders so to speak.

13 That's what set out what we were going to  
14 negotiate, what we are not going to negotiate, what  
15 stage we are going to engage in and what we are going to  
16 do.

17 So there were seven principles laid out in that  
18 letter, in that you know very key letter. And when we  
19 went back into the negotiations shortly after issuance  
20 of that letter that's what we did, we adhered to those  
21 principles.

22 We came to you in June in this very room, had a  
23 meeting where we said this is what we intend to  
24 negotiate, this is what we are going to cover in our  
25 negotiations.

1           So one of the efforts was to be transparent and  
2           make sure that everyone knew that this was on the table,  
3           this was off the table and here we go. So that's what  
4           we embarked on as of about June.

5           So the goals that we announced in the letter and  
6           that we talked about in June are fairly well known, I'll  
7           go over them very quickly. First this is a CERCLA fund,  
8           a Superfund settlement using the very well established  
9           tools of Superfund when I say Superfund I mean the  
10          statute in CERCLA and all the things that go with it  
11          including the penalty provisions, the stipulated penalty  
12          provisions, the enforcement provisions, all that goes  
13          with Superfund.

14          That's what we chose to use. We find it's the most  
15          effective, best tool we have in our arsenal in order to  
16          make sure that we hasten clean-ups, that we make sure  
17          that it's not an undue delay and that we get it right.

18          What did it cover? It covered everything. That's  
19          what we said it was going to do and that's exactly what  
20          was laid out in the letter. That this didn't just focus  
21          on Tittabawassee it went all the way to the Bay.

22          And then there's a long lengthy thing in this last  
23          bullet that we abbreviated RI/FS. And basically that  
24          captures what and we'll go on to that later in  
25          Wendy Carney's presentation. But you'll see that covers

1 sampling, where sampling is needed and then an array of  
2 alternatives and then later eventually remedial design.  
3 So that's basically what was laid out in the letter and  
4 that's what we embarked on, that's what we did.

5 So that first bullet, "continue efforts to evaluate  
6 areas presenting acute or near term exposures" is a very  
7 wordy and long way of saying that we're not going to  
8 back off one inch on being aggressive where we need to  
9 be.

10 Where there's a need for time critical actions or  
11 any other actions that are necessary to protect human  
12 health and the environment based on near term exposure  
13 or transport risks. Even though it's a long-term deal,  
14 a long-term administrative order and consent we are not  
15 trading off in any way action in the short-term where  
16 necessary.

17 EPA can list on its National Priority List if  
18 necessary, that's a key concept and what we said we were  
19 going to do in the administrative letter. And what we  
20 did do is ensure that if we needed to list the site at  
21 some future date if for example we're not getting the  
22 compliance, if we're not getting the compliance from Dow  
23 we wanted.

24 And Dow had decided not to build some aspect of the  
25 remedy we can list and Dow would not object judicially

1 to that listing, so that puts it ahead as well. And the  
2 last thing is future oversight cost will be paid by Dow.

3 One thing that was very, very important to the  
4 administrator, very important to all of us is that we  
5 had exactly what we're here for tonight, a public  
6 comment. And that means a full and fair chance for  
7 everyone to participate in this.

8 We did not sign this document. This is somewhat  
9 not strange this is uncharacteristic that Dow would not  
10 sign, that we wouldn't sign. This is a completely  
11 unsigned proposal that came out of this negotiation and  
12 I underscore proposal because it's something we're all  
13 here to talk about tonight.

14 Something that Frank is going to talk about in much  
15 greater detail is the RCRA corrective action. We  
16 phrased it there that the proposed settlement does not  
17 terminate RCRA corrective action. The way to say that  
18 more affirmatively is that those corrective action  
19 obligations exist as a matter of law currently and  
20 they're not extinguished at all by this agreement.

21 They're reconciled, dovetailed, synthesized and  
22 we'll put some meat on those bones as we go into the  
23 presentations. But the original idea was RCRA was going  
24 to serve as a backstop. So RCRA will still exist and  
25 will not be terminated by this period and that's exactly

1 what's in the proposal.

2 Two things that were not on the table, that are not  
3 at this stage of negotiations first clean-up options.  
4 We're at the sampling and array stage right now, array  
5 of options. So we did not negotiate any of the clean-up  
6 options in any way, shape or form, that was not on the  
7 table, didn't happen.

8 Clean-up levels the same thing. We heard a lot of  
9 controversy around what the appropriate clean-up levels  
10 should be, that's something that everyone's going to get  
11 a chance to participate in. It's something that EPA  
12 will eventually decide not Dow. But that was, and I  
13 underscore this, not at this phase, this was not  
14 something that happened now.

15 And before I turn it over I'll just go very, very  
16 quickly through the last things that were in the  
17 proposal. The first what work needs to be done, what  
18 still is out there, how do we build on what we already  
19 have.

20 EPA and MDEQ coordination, now that we have two  
21 regulators involved we want to make sure we carefully  
22 delineate who does what and when and what sequence. And  
23 make sure as we talked about consistency in meeting both  
24 the RCRA license and the CERCLA obligations. We cover  
25 these costs under the who pays principle.

1           Legal provisions, all the standard provisions are  
2           in there that set out mechanisms among the parties to  
3           resolve disputes and so on. And I alluded to earlier  
4           the enforcement issue. This is I'll say it again an  
5           order and it comes with all the enforcement options that  
6           we have in the order under the statute and built into  
7           the proposed agreement. So with that I'd like to turn  
8           it over to Wendy who will talk about the, more in detail  
9           about the proposed deal.

10           MS. CARNEY: I'm Wendy Carney I'm a program  
11           manager at Superfund Region 5. Where I wanted to start  
12           was to give people a reorientation to some things we  
13           talked about back in June. And maybe you had an  
14           opportunity to see this slide back then, but if you  
15           didn't it would be helpful to kind of understand a  
16           little bit how the Superfund process works and where we  
17           actually are at in the process.

18           For Superfund we are at the very start of the  
19           process to a certain extent. What that means is we're  
20           way up here at the beginning of this timeline of  
21           activities, that's when our negotiations occur. What  
22           we've been actually negotiating with Dow is the  
23           activities you see in the blue boxes, the remedial  
24           investigation and feasibility study process as well as  
25           the remedial design component of the Superfund process.

1           There are other steps in the process including what  
2 you see in the middle where EPA and DEQ select clean-up  
3 options. I think Bob mentioned that we haven't really,  
4 that's not something that's covered in this agreement.  
5 And the remedial action component is not covered as well  
6 that would be something we would need to negotiate in a  
7 separate agreement as we go forward.

8           So what does the settlement cover. One thing I  
9 want to make sure people understand is that even though  
10 we from a process standpoint are at the very beginning  
11 of the Superfund process we don't think that we need to  
12 start over here.

13           There's been a lot of data that's been collected,  
14 there's been a number of project work that's been  
15 completed in terms of clean-up activities that have  
16 taken place in the past as well as some of those that  
17 are ongoing. In fact if you were at the session before  
18 this Al talked about some of those projects. And we  
19 want to build on that, take advantage of the work that's  
20 been done and move forward from there as opposed to  
21 starting completely over.

22           The agreement we have in place also covers both  
23 rivers, the Tittabawassee River, the Saginaw River,  
24 includes the floodplains as well as Saginaw Bay. So the  
25 geographic scope is fairly large, it's a large system

1 but it's all covered in the agreement.

2 It also covers as I said the remedial  
3 investigation, feasibility study work components of the  
4 project as well as the design components. This is a  
5 component that's not typically included in these initial  
6 agreements, but for us this was an important piece of  
7 what we wanted in the settlement.

8 It allows us to actually move forward the design of  
9 potential clean-up activity saving time and getting out  
10 in the field to get clean-up work done on the ground  
11 sooner.

12 The work that's in the settlement document falls  
13 into what we call three critical areas. There's work  
14 that is in the agreement that talks about addressing  
15 what we're calling high use properties along the river.  
16 These would be your properties like residential  
17 properties as well as you know parks, properties that  
18 are used more frequently than others.

19 There's work that covers the movement of what we're  
20 calling highly contaminated channel banks as well as  
21 sediment. And these are the areas, you know some of the  
22 areas that Al talked about in the past where you see  
23 erosion going on in the banks where we need to get in  
24 there earlier and try to address those problems.

25 And then there's sort of in the backdrop a need to

1 still do what we're calling comprehensive clean-up from  
2 upstream to downstream in the river system itself.

3 The timeline this was something that we had up in  
4 June and I think what I want to try to emphasize here  
5 for folks is that there's a number of activities that  
6 are proposed in the settlement that, I talked about the  
7 critical work activities. And some of those activities  
8 begin pretty much simultaneously and immediately upon  
9 any effective date of the proposed settlement.

10 So what would happen essentially if this settlement  
11 goes forward is work on addressing high use properties  
12 along the rivers and addressing highly contaminated  
13 sediments will initiate within 60 days of the start of  
14 the agreement.

15 Simultaneous with that work would begin at sort of  
16 upstream portions of the Tittabawassee River developing  
17 clean-up options for moving that portion of the work  
18 forward at the same time.

19 Two things to keep in mind the task that relates to  
20 addressing high use properties and the movement of  
21 contaminated sediments those are site wide tasks. So  
22 those occur throughout the river systems they're not  
23 limited to particular areas of the river systems.

24 And they're designed specifically to try to get in  
25 there early in the process, evaluate those problems and

1 try to come up with options to address them early. Not  
2 necessarily waiting for the longer term process that's  
3 going to happen dealing with the river systems upstream  
4 to downstream.

5 One of the things that the settlement talks about  
6 is actually trying to organize the work particularly for  
7 the Tittabawassee River and Saginaw River and Bay  
8 clean-up process. And one of the things that's in there  
9 is actually dividing the site into what we call two  
10 operable units.

11 The first operable unit that is defined is from the  
12 Tittabawassee River through the upper Saginaw River  
13 including the 6th Street turning basin. And then the  
14 second operable unit is the Saginaw River through the  
15 Bay.

16 Part of the reason we divided the site or chose to  
17 try to divide the site that way was that there's a  
18 significant amount more data in the Tittabawassee River  
19 allowing us to move the process along relatively rapidly  
20 trying to get clean-up options a lot sooner.

21 For Saginaw River and Saginaw Bay there's less data  
22 and as a result the process needs to move a little bit  
23 slower as well as we want to take advantage of work in  
24 the upper portions of the river before we get there.

25 MR. RUSWICK: Good evening, I'm Frank Ruswick.

1 I'm going to talk tonight a little bit about how we  
2 transition from Dow meeting its obligations to address  
3 the clean-up needs under the Hazardous Waste Program to  
4 the CERCLA Program, to the Superfund Program.

5 And I think a key idea here to remember is that the  
6 underlying corrective action obligations that exist by  
7 virtue of the hazardous waste license remain in place,  
8 they're not going away.

9 What we are doing is changing the process by which  
10 those obligations are met and talking about the relative  
11 roles, of changing the relative roles of the agencies.  
12 That is the DEQ and the EPA in terms of how they make  
13 decisions and how they relate to activities at the site.

14 So the real key word here that I want to focus on  
15 is integration. Because what we're really looking to do  
16 is integrate the role of EPA and the role of DEQ to make  
17 sure that the clean-up work that is done meets the legal  
18 obligations both under the Federal Superfund law and  
19 under the state and federal hazardous waste laws.

20 So the basic point is that the work will be done  
21 under CERCLA, it will be done via a federal lien under  
22 the Superfund law. That EPA will have the lead in  
23 making decisions as to what's adequate to meet those  
24 CERCLA obligations. But we expect that by Dow meeting  
25 those federal CERCLA obligations they will also meet

1 their RCRA, their state hazardous waste obligations.  
2 And so that's really the fundamental structure that we  
3 need to understand.

4 And we expect that Dow is going to meet those  
5 obligations because DEQ's going to have a strong role in  
6 reviewing and commenting on Dow's proposals and Dow's  
7 actions as they go forward. So we're going to be  
8 evaluating the nature of those actions that are being  
9 proposed and undertaken in terms of being able to meet  
10 the state hazardous waste requirements.

11 There are a number of coordination mechanisms that  
12 are in the proposed order in order to ensure that.  
13 Primarily we got a very, I think, well structured set of  
14 expectations as to EPA or I'm sorry DEQ getting  
15 documents as they're submitted. So we'll be getting  
16 those documents in realtime, we've got the ability to  
17 comment on those within specified periods of time.

18 And our staffs are going to work very closely  
19 together. I can't stress enough how much of a  
20 partnership I think this is going to be just on a  
21 personal and professional level.

22 But there is a fundamental point that is embedded  
23 in here and that is who makes decisions, who makes what  
24 decision. The work is going to be conducted under  
25 CERCLA and the regional administrator's the final

1 decision maker in terms of what is appropriate, what is  
2 necessary to meet those federal legal obligations. But  
3 the MDEQ retains the final authority to make fundamental  
4 decisions about what is necessary to meet the state  
5 obligations.

6 What we're doing as I said integrating the license  
7 obligations with the CERCLA obligations. One of the  
8 ways to do that is to, we're going to propose a change,  
9 a modification to the license which again sets forth the  
10 legal expectations that the state has with Dow. And  
11 we're going to propose a change to that license which  
12 will reflect the same sort of arrangement, this  
13 integration that's embedded into the AOC.

14 The license amendment also includes a very specific  
15 provision that describes if the DEQ director decides  
16 that an action that is going to be taken under the  
17 Superfund law is not sufficient to meet the RCRA  
18 obligations. There's a specific description in there  
19 about what steps would then be taken to notify Dow of  
20 the steps that they would need to take under their RCRA  
21 license.

22 There are some additional provisions that are  
23 embedded in the agreement primarily because we got a  
24 number of actions that have been going on under the RCRA  
25 hazardous waste license, we talked about those at the

1 6:00 session for those of you who were there. How we're  
2 going to transition from sort of a DEQ leading role in  
3 making those decisions to an EPA leading role.

4 And we went through that very specifically on a  
5 sort of action by action basis how that was going to  
6 occur. So we're looking for a smooth transition so that  
7 the work is not interrupted and we continue to make  
8 progress.

9 We also retain as part of our hazardous waste  
10 responsibility the authority to require what we call  
11 interim response actions. That is if an action is  
12 necessary to address an immediate acute need to protect  
13 public health and the environment there is authority  
14 under the Hazardous Waste Law to require someone with  
15 corrective action obligations to undertake immediate  
16 action.

17 The state retains the authority to require that;  
18 however, again that same tool is available under the  
19 Superfund law. And so we expect that if there is an  
20 immediate need to be met it would be met through actions  
21 being undertaken via EPA's role in the administration of  
22 Superfund. So we retain our authority, but the  
23 expectation is that that need would be met by EPA's  
24 authority under the Superfund.

25 We have an additional agreement that's appended to

1 the proposed order which we call the State Memorandum of  
2 Agreement or SMOA. And that's just an agreement between  
3 EPA and DEQ that again describes some of these  
4 expectations, the partnership if you will. What our  
5 roles and responsibilities are in working through this  
6 process together. So we thought very hard about the  
7 details of how to make sure that we work in a  
8 coordinated fashion and that's described to some extent  
9 in the SMOA.

10 And finally we have the ability under the order to  
11 respond to what we call new releases. That is we  
12 understand that as time goes on work is going to be  
13 moving on down the river, okay. The work to be done is  
14 going from an upstream to downstream basis.

15 And at some point in time we hope to be done with  
16 addressing the contamination on the upstream portions of  
17 the site, which is adjacent to the Dow Plant site. And  
18 once the CERCLA process moves down river in effect  
19 CERCLA is just not going to have a continuing role over  
20 time up near the plant site.

21 If there is a new release there and if there is a  
22 need to address that release DEQ retains the authority  
23 under the order to come to Dow and say you need to  
24 address that release under your RCRA obligations.

25 The order does spell out again one of these

1 coordination mechanisms which is that we would have a  
2 discussion with EPA first to decide you know who's  
3 really in the best position to do this. So it's another  
4 example of how we have a coordination mechanism to make  
5 sure the agencies are talking to one another and trying  
6 to figure out what the most effective and efficient way  
7 of achieving the remedial actions are.

8 Okay. We've got just a couple more slides Wendy's  
9 going to cover the next one.

10 MS. CARNEY: There's a couple of other things  
11 about the settlement folks probably should know about.  
12 One of the key things that is in the settlement is that  
13 someone provides for a way for the community to obtain  
14 technical assistance. There is a provision that allows  
15 for the hiring of an independent technical advisor by  
16 the community to help them in this process and with the  
17 work that's being performed under the proposed  
18 settlement.

19 It ensures that there's \$50,000.00 in support  
20 provided initially and then it allows for the request  
21 for additional or supplemental funding as that  
22 \$50,000.00 nears sort of being spent.

23 The Natural Resource Trustees engaged in the  
24 negotiation process with us. And essentially have  
25 ensured that they will have an opportunity to

1 participate in the review and comment on the  
2 deliverables that come in or the documents and reports  
3 that come in under this proposed settlement.

4 In addition the Natural Resource Trustees have  
5 ensured that they are still able to continue to pursue  
6 their assessment activities for purposes of defining  
7 natural resource damages. And to enable themselves to  
8 continue to hold Dow accountable for any natural  
9 resource damages that they feel is appropriate.

10 The settlement does have a requirement for Dow to  
11 pay monetary fines if we find or determine that they are  
12 not complying with the terms of the agreement. The  
13 amount of the fines range from \$500.00 per day to  
14 \$2,500.00 per day depending on the length and the time  
15 of duration of what we call noncompliance or not being  
16 in sort of conforming with the terms of the agreement.

17 The other aspect of this is that Dow is being  
18 required to provide financial assurance, financial  
19 assurances. That is a monetary mechanism that ensures,  
20 that ensures the EPA essentially that they have  
21 sufficient financial resources to complete the work.  
22 The financial assurance amount that's in this particular  
23 settlement is \$15 million.

24 So let's see, Frank's going to cover the last slide  
25 I think.

1 MR. RUSWICK: Last slide on the nature of the  
2 settlement. I talked a little bit about coordination  
3 mechanisms. One of the ones that's in there is what we  
4 call dispute resolution provisions. These are standard  
5 provisions in orders such as this. They are a specified  
6 way to try to create discussions between the parties  
7 when there are disagreements, so that we can resolve  
8 those disagreements relatively quickly and get on with  
9 the work.

10 It's kind of a process by which you have  
11 discussions at low levels and escalate them up and try  
12 to get them resolved without creating, you know without  
13 stopping the progress.

14 There are dispute resolutions in this order between  
15 all the parties, that is between Dow and EPA and Dow and  
16 DEQ and in fact between EPA and DEQ. So we've all got  
17 our mechanism to work out the differences that we might  
18 have.

19 And I think that's really important for the RCRA  
20 side of this because as I said before the Region 5  
21 administrator retains the authority to make the final  
22 decision under CERCLA, under Superfund. And the DEQ  
23 director retains the final authority to make a decision  
24 under RCRA. And what we want to try to avoid is the  
25 agencies not being able to reconcile the differences.

1           But we do have a process to go all the way up to  
2           the RA, regional administrator, and DEQ director to try  
3           to work these things out, so that the agencies can stay  
4           coordinated.

5           And finally another standard provision in orders  
6           such as this that is in this order is the agencies are  
7           going to be reimbursed for our costs. We will incur  
8           costs in administrating the order, in overseeing the  
9           work and doing the reviews and so on. And there are  
10          provisions in the order by which Dow commits to pay the  
11          costs that we incur, staff time and so on.

12          MR. KARL: So what happens next is what I'm  
13          going to talk about very briefly. First off tonight we  
14          very much encourage public comment on this proposed  
15          settlement. We will be accepting oral comments tonight,  
16          you will have an opportunity to come and present your  
17          oral comments.

18          We also have written comments, where you can submit  
19          your written comments, the formal comment period is  
20          between October 19th and December 17th. The EPA will  
21          consider all the comments along with MDEQ, we will  
22          consider them and we will respond to those comments.  
23          There will be a response in a summary that we will put  
24          forward that will respond to the comments that we do  
25          receive.

1           Once we get all the comments it will be up to EPA  
2           and MDEQ to decide whether to go forward and sign this  
3           proposed settlement. Or based upon public comment if  
4           there's a need to go back and open negotiations again we  
5           would do that.

6           So that's why it's very critical to hear your  
7           comments tonight. It helps us to make a determination  
8           whether we go forward with a signature as the proposed  
9           settlement is or we go back and negotiate further.

10          So how do you comment, this evening you can provide  
11          your oral comments. We also have comment forms that you  
12          can pick up at the desk out there. If you do not want  
13          to make oral comments you can provide written comments  
14          on that comment form this evening by December 17th.

15          We also have a number of different ways for you to  
16          comment. As you can see there's a web site that you  
17          could comment directly to, you can do it by e-mail. You  
18          can fax your comments in or you can mail those comments  
19          in.

20          And this information is on a handout at the desk  
21          out there, so don't worry about copying this. You can  
22          just grab one of those sheets and you can see the ways  
23          to formally comment.

24          And for more information the proposed settlement is  
25          on-line, you can see the on-line address, that's on the

1           handout out at the desk also. We do have site  
2           repositories at the libraries in Midland, Bay City and  
3           Saginaw.

4           And we have also opened our community information  
5           office here in Saginaw at the Saginaw County Courthouse  
6           where we staff that office with a community involvement  
7           individual. And also we are housing one of our project  
8           managers there to be further eyes here in the community,  
9           but also to be in the community and have easier access  
10          to looking over the sites.

11          So we're almost at the question and answer period  
12          and Don de Blasio one of our community involvement  
13          coordinators is going to go over how we're going to do  
14          the question and answer period for this evening.  
15          Thanks.

16          MR. de BLASIO: Thank you. If you wouldn't  
17          mind raising your hands we got a couple microphones and  
18          we'll pass them to the audience. We're not taking  
19          comments at this time this is just for you to ask  
20          questions. And we'll, before we get to the comment  
21          period we'll take a brief break and give you a chance to  
22          go out to the desk and sign up on one of these forms.

23          I'm missing, a couple people took these and didn't  
24          turn them in. So I'd like to have those back so we can  
25          keep track of who's going to be speaking because we'll

1 be calling them in numerical order. So with that we'll  
2 go ahead get started, first question over here.

3 THE SPEAKER: I had a question on your point  
4 about Dow has to pay all administrative costs with this  
5 consent order. I wondered if meetings like this where  
6 all the DEQ staff and EPA staff attends does Dow have to  
7 pay your travel expenses and per diems, things like that  
8 for you guys to all come up here attend these meetings?

9 The other thing I wondered in the grant that you  
10 gave the citizens group does Dow have to reimburse you  
11 the money that you granted the citizens group, so they  
12 can have a technical advisor to criticize the agreement  
13 that you entered in negotiations and settled with Dow  
14 on?

15 MS. CARNEY: Yes and yes.

16 THE SPEAKER: That's a neat system.

17 MS. CARNEY: Yes and no.

18 MR. de BLASIO: Yes, question over here.

19 THE SPEAKER: Has the EPA and the other  
20 agencies have you taken into account, excuse me have  
21 your agencies the EPA taken into account that there's a  
22 point of diminishing return in fixing anything, have you  
23 taken that into account? Meaning how much do you put  
24 into making a fix and how much benefit is going to come  
25 out of it?

1 I say this because many years ago we had a  
2 construction project and digging up Tarvy we found a lot  
3 of oil and stuff. And we removed this dirt and you know  
4 got great new dirt coming in to make it, to clean it up.  
5 And the new dirt was, it didn't look dirty, but it had  
6 the same you know whatever content of poison substances  
7 as the old dirt. And when is clean clean enough,  
8 have you decided this, is this taken into account?

9 MS. CARNEY: There's a couple things that I  
10 would respond to to your question. I think that part of  
11 what this settlement does is it has a step in it which  
12 is you know the development of the actual clean-up  
13 options. It would be at that point in our process where  
14 we are looking at a variety, a number of different  
15 approaches to clean-up.

16 And the purpose of looking at a number of different  
17 approaches is exactly for the purpose that, where we can  
18 look at you know how much the cost is associated with  
19 clean-ups, what exactly we can achieve with the clean-up  
20 options that we have on the table.

21 When I showed you the timeline as well one of the  
22 things that is built into the idea of having you know  
23 the river system broken down into segments is that as we  
24 develop clean-up options and we actually implement those  
25 actions we're able to get real data about how effective

1 our actions can actually be. And then we can work to  
2 improve our process and the kinds of clean-up options  
3 that we can bring forward for the site as a whole.

4 THE SPEAKER: And have you taken into account  
5 that everybody who lives along the river plus anyone in  
6 this community you know has been polluting, that's taken  
7 into account as well?

8 MS. CARNEY: Well, right now we are looking at  
9 you know those steps that are needed for finishing the  
10 data collection efforts and for developing those  
11 clean-up options. There will be a point in time when we  
12 will have to consider whether there are other entities  
13 or other parties out there that may have helped  
14 contribute to the contamination at the site.

15 THE SPEAKER: Thank you.

16 MR. de BLASIO: Had a question over here.

17 THE SPEAKER: This one's just a really simple  
18 question. The documentation here as far as the comment  
19 period it indicates by November 17th on your Powerpoint  
20 it said December 17th, so I'd just like to publicly  
21 clarify which day it is.

22 MS. CARNEY: When we issued the fact sheet we  
23 had originally opened the public comment period for a 30  
24 day period, so it was originally intended to end on the  
25 mid November date. So that's why the fact sheet

1 indicates mid November.

2 Subsequent to that public comment period opening we  
3 did get a request from the community to extend the  
4 public comment period, which we granted a 30 day  
5 extension to it. So the official close of the public  
6 comment period is December 17th. I believe we ran some  
7 newspaper ads right, Jeff?

8 MR. KELLEY: Yes.

9 MS. CARNEY: To try to notify folks. As well  
10 as I think we put it out on the web through our lister  
11 function to try to get people aware that the public  
12 comment period had been extended.

13 THE SPEAKER: Yes. I would like to ask the  
14 following question, 25 years ago I raised the spectra  
15 (sic) of hazardous waste wells that used to dispose of  
16 thousands of tons of hazardous waste. I would like to  
17 know if those are being monitored or being remediated so  
18 not to contaminate our aquifers? Something like seven,  
19 eight, nine of them that were established.

20 MR. TAYLOR: The question just to repeat it to  
21 make sure I understand it, what is the status of  
22 disposal wells or hazardous waste injection wells --

23 THE SPEAKER: Yes.

24 MR. TAYLOR: -- at the Dow Plant site? Have  
25 we had monitoring ongoing for those historic disposal

1 wells?

2 THE SPEAKER: Yes, sir.

3 MR. TAYLOR: Yes there is. There is a number  
4 of brine wells that were converted to chemical disposal  
5 wells by Dow. The ones in particular adjacent, in or  
6 adjacent to the Dow Plant site are covered by the  
7 hazardous waste operating license. And there is  
8 monitoring associated with those wells in particular the  
9 groundwater surrounding those wells.

10 There are other off-site wells which I do not  
11 believe are chemical disposal wells, but were brine  
12 wells which are addressed by the Michigan Department of  
13 Environmental Quality through a consent order that's  
14 been entered into with Dow.

15 I think that order goes back to 1985 which would be  
16 about the time frame you're talking about 25 years ago  
17 when that occurred. My understanding is also that's in  
18 the process of being updated.

19 MR. de BLASIO: That response was by Al Taylor  
20 of the Michigan Department of Environmental Quality.

21 MS. RUMMEL: Hi, Annette Rummel with the  
22 Great Lakes Bay Regional Convention & Visitors Bureau.  
23 I'd like to go back to the question that was asked just  
24 a moment ago about the request for postponement of the  
25 deadline. And you made the comment that the community

1 made the request for the extension.

2 I'd like to know who that was specifically that  
3 requested that and then will you be running these kind  
4 of questions or requests through the CAG that has been  
5 established in the future?

6 MS. CARNEY: Let me answer the second question  
7 first, okay. EPA has, you know through its Superfund  
8 process has always embarked in a number of steps to try  
9 to engage the community for purposes of you know a  
10 variety of activities that we undertake. It's not  
11 uncommon for us to get requests from a single individual  
12 and to grant those extensions, so.

13 And part of the reason is because we want to ensure  
14 that people have enough time to entertain the  
15 information that's presented before them and to ensure  
16 that you know people have an opportunity to participate  
17 fully in the process.

18 The one thing to be aware of is that when we do get  
19 those requests Superfund usually grants a request for 30  
20 days, okay. So we try to balance the fact that people  
21 may need some more time in terms of looking at  
22 information with the fact that we want our processes to  
23 move forward.

24 And to answer your first question I believe we got  
25 a request from the Lone Tree Council to do the

1 extension.

2 MS. HURD-RIDDICK: Michelle Hurd-Riddick made  
3 the request to the EPA. And I appreciate you granting  
4 us that 30 day extension to review this after our years  
5 of being involved in this process, I appreciate it very  
6 much.

7 MR. de BLASIO: I think I saw a question over  
8 here.

9 THE SPEAKER: I just wanted to follow-up on  
10 the question, I think the first question was asked about  
11 the technical assistance grant, technical assistance  
12 grant funds. Apparently I know that the Lone Tree  
13 Council had submitted a news release last week I think  
14 indicating that they received some funding to help with  
15 the technical review of the settlement.

16 Now, in the slides it also showed as part of I  
17 guess the post settlement activities that there were  
18 going to be additional dollars made available for  
19 technical assistance. Can you tell me, I guess I'm a  
20 little confused about what dollars are available before  
21 the settlement and what dollars are available after and  
22 where those dollars come from?

23 MS. CARNEY: Okay. Let me kind of explain  
24 what exactly is, sort of occurred. There is, there was  
25 made through a program that EPA has which is called the

1 Technical Assistance Services for Communities Program  
2 Funding. For purposes of hiring an independent  
3 technical advisor for this time period while we're going  
4 through this process doing public comment on this  
5 particular agreement, okay.

6 When this process is over and EPA you know moves  
7 forward or makes a decision on what it's doing with this  
8 settlement. If the settlement goes into place there's  
9 an actual sort of somewhat different process that would  
10 then carry that technical assistance for the community  
11 program kind of forward, okay.

12 It would be a little bit of a different process  
13 than the program we're using currently for this time  
14 period. It would be direct funding that would come from  
15 Dow Chemical for purposes of allowing the community to  
16 engage in having an independent technical advisor.

17 THE SPEAKER: Those funds are available to  
18 whomever asks for them or --

19 MR. KELLEY: You mean the funds post  
20 settlement?

21 THE SPEAKER: Sure.

22 MR. KELLEY: What we, I think we were  
23 discussing this earlier today actually. I mean --

24 THE SPEAKER: We didn't.

25 MR. KELLEY: Not you and me, me and Merrium

1 (ph) standing behind you. The way we think that would  
2 happen is we would publish the notice of the  
3 availability of the funds and solicit groups to apply  
4 for that.

5 I can say our expectation or our hope I guess is  
6 that the community advisory group that we're forming  
7 would be the recipient of that. And that all the  
8 technical assistance would come through the community  
9 advisory group.

10 THE SPEAKER: Thank you.

11 MR. de BLASIO: And I know you had your hand  
12 up before.

13 THE SPEAKER: Thank you. What is the  
14 rationale for leaving the Midland site under MDEQ  
15 control versus the EPA? The rationale for excluding the  
16 watershed Superfund from the National Priorities List  
17 and who benefits from excluding it from the list?

18 MR. RUSWICK: The reason that the plant is not  
19 part of the Superfund process is because the plant, the  
20 plant site is an ongoing operation which has a hazardous  
21 waste license issued by the State of Michigan that  
22 governs the operation of that site. So they have an  
23 ongoing obligation under a license issued by the state  
24 as it pertains to the business on the site.

25 And essentially the division of responsibility is

1 we've got an ongoing relationship with their business  
2 operations on that site. It makes most sense for us to  
3 continue not only the operation of the site itself in  
4 terms of how the license governs their facility, but  
5 also to the extent that they have any clean-up  
6 obligations on that site.

7 In other words the obligations as it relates to the  
8 plant site pertain to the day-to-day operations of the  
9 site as well as clean-up and those things need to be  
10 maintained together.

11 MS. CARNEY: With respect to the question  
12 about NPL listing this was an issue that you know has  
13 came up I think back in you know March when we were out  
14 here. And then again you know was part of the issues  
15 that our administrator did review you know before she  
16 issued the letter to the community back in May of 2009.

17 The listing process can be a time consuming  
18 process, it can take a period of time. Given where we  
19 were with this particular site and the steps we had  
20 already taken our administrator believed that it would  
21 not be a good use of time at this particular point to  
22 list the site. It would actually delay us from trying  
23 to move forward and get to clean-up sooner.

24 But part of what we wanted to ensure was that we  
25 came out of this process ensuring that we were able to

1 list the site if we felt we needed to do that. And so  
2 you know Bob talked earlier, our regional counsel talked  
3 earlier about some of the terms in the settlement.  
4 There is a provision in the settlement that talks about  
5 the fact that we can maintain our right to list this  
6 site if we feel we need to.

7 MR. de BLASIO: We have a question back here  
8 first, then over here and over here.

9 THE SPEAKER: I was curious and I'm sorry if I  
10 missed it, but there was a request earlier regarding if  
11 CAG would be used or would not be used in regards to  
12 some of the funds and/or requests. And I was wondering  
13 I didn't quite catch if you did answer that I apologize.

14 MS. CARNEY: I think Jeff tried to answer  
15 that. Do you want to --

16 MR. KELLEY: I mean we're in the end stages of  
17 a CAG being convened for this site. And I think we'll  
18 be announcing the CAG membership next week is my  
19 thought. Our hope is that in the future technical  
20 assistance will come to the CAG. That that will be you  
21 know sort of our, the way we communicate with a broad  
22 part of the community.

23 THE SPEAKER: I won't take up a lot of your  
24 time, but just a couple questions. Would you say that  
25 the EPA negotiated with Dow Chemical for these last six

1 months in good faith?

2 MR. KAPLAN: Absolutely.

3 THE SPEAKER: Fair question, right?

4 MR. KAPLAN: Fair question. And we did  
5 absolutely, arm's length and we did negotiate in good  
6 faith.

7 THE SPEAKER: They probably weren't always  
8 smooth, but you had to fight some things out and you  
9 came to a settlement agreement; correct?

10 MR. KAPLAN: Absolutely.

11 THE SPEAKER: So what you're saying today is  
12 you got this agreement you're not going to sign it  
13 because a housewife, a nurse or history professor or  
14 somebody might object to it that might have to change  
15 the agreement?

16 MR. KAPLAN: We're not saying exactly that.  
17 What we're saying is we want to take public comment and  
18 anyone in the room, anyone in the community can give a  
19 public comment. What we're saying is we want to make  
20 sure we get this right. You know forever and on we make  
21 sure we're on the right path, so we want to hear from  
22 everyone that's affected by this agreement.

23 THE SPEAKER: You used your professional  
24 staff, you have people that are professionals in  
25 cleaning up these sites and I assume Dow Chemical

1 brought some professionals to it. What from the public  
2 comment, I mean what could a housewife add to your  
3 discussion to make sure that you got it right?

4 MR. KAPLAN: People are affected by the  
5 clean-up and you know we have excellent professional  
6 judgment and we have excellent staff on all of our, at  
7 Dow and in-house at EPA and DEQ. But there are people  
8 that are affected directly by this, people that live  
9 along the river, we want to hear from them. And that's  
10 very important to the administration, it's very  
11 important to us.

12 THE SPEAKER: But it would take a pretty  
13 serious issue to derail this agreement I would hope?

14 MR. KAPLAN: I'm not going to prejudge  
15 anything we'll wait and see.

16 THE SPEAKER: Okay.

17 MS. HURD-RIDDICK: Michelle Hurd-Riddick with  
18 the Lone Tree Council, I'm a housewife and a nurse. Has  
19 this site, I know the potential for putting this site on  
20 the NPL is there. Has this site been scored so that if,  
21 for the NPL so that if you should decide time comes that  
22 you need to put this site on the NPL that we're not  
23 going through that discovery phase process and scoring  
24 and the whole thing? So has the site been scored for  
25 the NPL?

1 MS. CARNEY: That's a Mr. Kaplan question  
2 probably. The site has not officially been scored.  
3 What I will say is that there are tools that are  
4 available publicly and on our web site that can be used  
5 for purposes of looking at whether this site has the  
6 potential to score, okay.

7 And if those tools are used properly and  
8 appropriately it would lead you to the conclusion that  
9 this site would not have a problem scoring for the NPL.

10 MS. HURD-RIDDICK: Thank you.

11 THE SPEAKER: Thank you. I'm a property owner  
12 along the river, I own two parcels that go right back to  
13 the river basin, that drain that you were talking about.  
14 I would like to ask four quick questions, two on the  
15 site access and a couple on the state of the work which  
16 I think really is of concern to the property owners.

17 My first one, item 56 on the site access of the  
18 statement of agreement where it says where any action  
19 under the settlement agreement is to be performed in  
20 areas only or in possession of someone other than  
21 respondent. And I assume that means property owners not  
22 the respondent being Dow Chemical. Respondent will use  
23 their best efforts to obtain all necessary access  
24 agreements within 90 days.

25 For purposes of this paragraph the words best

1 efforts includes the payment of reasonable sums of money  
2 in consideration of access. Are we as property owners  
3 then to understand that we can ask Dow for money to come  
4 on our property to do the remedial actions if that's  
5 required?

6 MR. CAHN: It may, yes it may.

7 MR. de BLASIO: Jeff Cahn, Region Five Office  
8 regional counsel.

9 THE SPEAKER: Well, my suggestion would be  
10 then that all property owners be made aware of this.  
11 And that some sort of guidelines be set up, so that we  
12 don't get divided and conquered and some person gets  
13 paid \$10.00 another person gets paid \$10,000.00. So if  
14 it's in here I think it needs to be worked out a little  
15 bit further.

16 Down the line here it talks about, says item 57  
17 notwithstanding any provision of the settlement  
18 agreement USEPA, MDEQ and MDEQ retain all of their  
19 access authorities and rights. Now, this document has  
20 62 pages of rights and responsibilities for Dow  
21 Chemical, EPA and MDEQ and I'd like to know what the  
22 rights of the property owners are in this situation?

23 Do we have any or are you folks going to come here  
24 and just claim eminent domain or some sort of Superfund  
25 powers and do what you want on our property?

1 MR. CAHN: This statute does provide the  
2 federal government or EPA with authority to request  
3 voluntary access. And in some situations depending on  
4 the facts we can obtain a warrant from a court which  
5 provides the property owner with due process to object  
6 to the warrant.

7 We also have statutory authority under Superfund to  
8 compel access, to require someone to allow us on their  
9 property. And if they continue to refuse it allows us  
10 to go into court to enforce the order and potentially  
11 seek penalties against the property owners.

12 Some of these things are very unlikely. It's our  
13 expectation that the property owners would come to  
14 agreements with the company to allow the company to do  
15 whatever sampling or other work is agreed to in the  
16 future. So some of it is a little bit speculative.

17 THE SPEAKER: I agree.

18 MR. CAHN: And right now eminent domain is not  
19 on the table. What we're really looking at is sampling  
20 not taking property from property owners.

21 THE SPEAKER: All right. Moving down to the  
22 statement of work real quick. And we may be getting  
23 ahead because I know a lot of these important things to  
24 property owners haven't been development yet based on  
25 the basis of studies.

1           But just a little personal insight if you go to the  
2 bridge in Freeland, Michigan and look downstream towards  
3 Saginaw you see a beautiful river that's been developed  
4 over 100 years lined with cottonwoods all the way down.

5           And after we have seen what Dow Chemical did on  
6 their own property up there remediating the banks, clear  
7 cutting all that old growth trees. Some of us have  
8 concerns that the river's going to end up looking like a  
9 ditch in Kansas, no trees for as far as you can see. Or  
10 it's the old Vietnam analogy we had to destroy the  
11 village to save it and I hope we're not going to end up  
12 destroying this river to save it.

13           Some of these bank remediations concerns me because  
14 those banks are all held together by cottonwood tree  
15 roots, if those go we lose a major part of the river.  
16 So my question on that is when these remedial actions  
17 are developed as a result of the coming investigations  
18 are we going to have more meetings like this where we  
19 get a chance to hear what you are proposing and make  
20 public comments on those actions also?

21           MS. CARNEY: The answer is yes. It's a normal  
22 part of the Superfund process for EPA to put out for the  
23 public consideration of a variety of alternatives. We  
24 will come out when we're ready to do some remedy  
25 selection and give you a sense of what we think is the

1 preferred option, the option that we think we should  
2 select out there. But there is an opportunity for the  
3 public to comment.

4 There's also something to keep in mind here which  
5 is that, you know as Jeff Kelley had mentioned - wave  
6 Jeff - we're in the end stages of developing a community  
7 advisory group. And one of the powerful parts of having  
8 that particular group formed in this community is that  
9 they can help with the process of developing those  
10 alternatives and give input to the agency about what the  
11 concerns may be by various segments or interest groups  
12 in the community.

13 THE SPEAKER: From a personal perspective I'm  
14 a little skeptical of community involvement. I'll give  
15 you one example, I drove 300 miles to attend this  
16 meeting. When I went to the Saginaw library it took me  
17 15 minutes to find the proposal and as far as they were  
18 concerned I was the first person that looked at it. So  
19 I'm a little you know skeptical when I hear the  
20 community's going to become involved and give you all  
21 this help.

22 My last question is a general one and it's based on  
23 your experience, DEQ and EPA with these types of  
24 remediations how successful do you think that you really  
25 can be in cleaning up this river? It seems like an

1 impossible task with you know 50 years worth of  
2 pollution and the stuff so deep in the soil.

3 MS. CARNEY: This site is not, you know EPA  
4 has been working on a number of sites that are of  
5 similar size and complexity across the country. EPA  
6 Region 5 we currently work on the Fox River which is  
7 actually in the latter stages of actual clean-up  
8 activity. We are doing some work on the Kalamazoo  
9 River, we had several actions taken up there. We've  
10 also done extensive, a relatively extensive clean-up on  
11 the Pine River in the river system itself.

12 It's not an easy task it takes time. The problems  
13 are complex, it takes a lot of work to get a clean-up to  
14 happen, but I don't think it's impossible. I think  
15 people need to stick with it and we need to basically  
16 try and develop the best options that we can given the  
17 circumstances, the information that's available and the  
18 science that's out there.

19 There are limitations to what you can do, but I  
20 think we you know try to do the best we can essentially  
21 with the tools we have available to us.

22 THE SPEAKER: Thank you.

23 MR. de BLASIO: We'll take two more questions,  
24 one over here then get ready to take a break.

25 THE SPEAKER: Yes. I would like to know the

1 following, the site is unknown to me as to what you're  
2 calling the site specifically. If you mean the river  
3 only or are you talking about those regions that are  
4 contaminated to the river. For example the Rockwell  
5 Landfill hazardous waste site which is known as AJ (ph)  
6 over the years.

7 MS. CARNEY: The scope of this particular, the  
8 site that we're talking about tonight is the  
9 Tittabawassee River, the Saginaw River and Saginaw Bay  
10 and the floodplain areas that have been impacted by  
11 those rivers. It does not include as I think we  
12 mentioned earlier it does not include the Midland plant  
13 site itself which the state is continuing or the City of  
14 Midland soils, that's a part of work that Dow is also  
15 doing.

16 THE SPEAKER: Well, I'm talking about the  
17 Rockwell Landfill.

18 MR. TAYLOR: The Rockwell Landfill is  
19 continuing to be addressed under the state, it's not  
20 under the hazardous waste operating license it's under a  
21 different program. It is not part of either the Midland  
22 site or the Midland soils issue or the super or CERCLA  
23 site on the river, but it is under a different program.  
24 And it has active AJ (ph) collection. And that material  
25 is transferred over to Dow for treatment.

1 THE SPEAKER: Thank you.

2 MR. de BLASIO: Last question over here.

3 THE SPEAKER: Yes, it's about the advisory  
4 group. My question is is when they're formed I'm  
5 assuming it's going to be a good cross-section of the  
6 community. And by being a cross-section of the  
7 community and looking at some of these issues are they  
8 going to have a chance to look at some of the requests  
9 of "community".

10 And see if they agree that this avenue is  
11 worthwhile doing or because there's been some feelings  
12 that people under the community banner is got an agenda  
13 and are trying to run some of this stuff.

14 And I would think that the technical or your  
15 community action group would be the one if you did it  
16 and I assume you did. To represent the whole community,  
17 so it's not a relationship that you may or may not have  
18 or the state may or may not have with a specific group.

19 MR. KELLEY: Well, I think part of your  
20 question or maybe all of your question is will this  
21 advisory group become sort of our main interface with  
22 the community?

23 THE SPEAKER: Yes.

24 MR. KELLEY: And that's the goal is that this  
25 advisory group will represent all the different

1 perspectives in the community. And you know people and  
2 I mean I could talk for a long time on how we've thought  
3 about getting this group up off the ground. And I mean  
4 I guess the important take-away is EPA did not select  
5 the members of this advisory group.

6 THE SPEAKER: I'm aware of how you did it.

7 MR. KELLEY: And you know, so I think we'll  
8 announce next week I'm hoping, but we got members from  
9 geographically all different parts of the area. We've  
10 got people with lots of different perspectives that --

11 THE SPEAKER: I'm not questioning how you did  
12 it I assume and I think probably the way you did do it  
13 it is a good cross-section. My point is that ought to  
14 be the community if it's done right and I believe you  
15 did do it right. Then not a specific, I don't want to  
16 say housewife could come in and then just because they  
17 want that everybody's going to go that way or if they  
18 have some credentials.

19 That group ought to have a lot of standing on what  
20 the community thinks if it's done, if it was put  
21 together right. That would be my --

22 MR. KELLEY: No, I think you're right. If it  
23 works the way that we hope it works and the way that I  
24 think everyone involved hopes that it works that's the  
25 way the advisory group will operate.

1 THE SPEAKER: Because the only way to get  
2 finished is to get a system and go by the system. I  
3 don't have any, I agree with the system. But I mean for  
4 instance running check and wiring tanks out in Lake  
5 Huron for dredging that was, to me it was ridiculous  
6 because somebody asked to do it.

7 I mean the Saginaw, Midland water intake is so far  
8 away from where any dredging took place it's impossible  
9 to get there. But you spent money and time doing it  
10 because somebody asked. Those are the type of things  
11 that if they come up I think that group ought to look at  
12 the merit of it.

13 Because I mean you try so hard to cover all the  
14 bases and to do this and say well we did everything we  
15 were asked. I don't think we can afford or should do  
16 everything we're asked I think we should do the  
17 important things. And if the community group agrees  
18 that this is important then by all means do it, but if  
19 it's just to suit somebody's want or for whatever reason  
20 I think they ought to be able to veto some of that  
21 stuff.

22 MR. KELLEY: Well, I don't think the CAG's  
23 going to be, even if the CAG works as well as we hope  
24 it's going to it's not going to be the only way we work  
25 with community. And I don't see it as telling us, it's

1 not going to have a veto authority.

2 THE SPEAKER: But certainly they ought to have  
3 more standing than if the group looks at a request by an  
4 individual or a smaller group they ought to be able to  
5 make some good.

6 MR. KELLEY: I think the main thing the CAG  
7 brings is when the CAG comes to EPA or DEQ and tells us  
8 something we know that the CAG represents a lot of  
9 different perspectives and we would give the CAG a lot  
10 of weight. It doesn't mean we stop listening to others,  
11 but you know maybe we listen extra hard to what the CAG  
12 is saying.

13 THE SPEAKER: Otherwise there's no sense in  
14 it.

15 MR. KELLEY: Right.

16 MR. de BLASIO: Thank you. We'll momentarily  
17 be taking a break. I want to go over if you want to  
18 make a public comment I want you to sign up at the table  
19 out front. We'll be calling them, they're numbered  
20 we'll be calling them in numerical order. It will be  
21 first come first serve, so sign up if you haven't done  
22 so.

23 You will be limited to three minutes for  
24 presentation. EPA and MDEQ will not be responding to  
25 your comments this is the public's time to speak. We

1 will be recording the comments and we will be posting  
2 those comments later on when we get the transcript.  
3 We'll need you to state your name and affiliation if  
4 you're commenting on behalf of an organization.

5 We'll have a 10 minute break and then we'll do the  
6 comment period. Please sign up if you're interested in  
7 making comments, it's 8:30.

8 (Whereupon a recess was taken.)

9 MR. de BLASIO: The first person I've got is  
10 Carol Chisholm.

11 MS. CHISHOLM: Pass.

12 MR. de BLASIO: Thank you. Eldon Graham.

13 MR. GRAHAM: My name is Eldon Graham and I'm a  
14 professor here at Saginaw Valley State University. And  
15 I want to talk about this provision of community groups  
16 being able to get technical assistance to review the  
17 Dow/EPA agreement.

18 I represent a group of area professionals and we  
19 would like to formally request technical assistance in  
20 the form of a disinterested third party to review the  
21 EPA/Dow agreement.

22 And we think that technical assistance should be in  
23 the form of an examination of the EPA/Dow agreement from  
24 an environmental engineering standpoint. And done by an  
25 environmental engineering company or engineering

1 consultant that has no preconceived biases on one side  
2 or the other. We'd like an independent analysis of that  
3 and my group would formally like to request that, thank  
4 you.

5 THE SPEAKER: We couldn't hear what you said.

6 MR. de BLASIO: He said, well, do you want to  
7 go ahead repeat it briefly.

8 MR. GRAHAM: Want me to repeat it? I talked  
9 to them let me talk to you, okay. My name is  
10 Eldon Graham, I'm a professor here at Saginaw Valley  
11 State University and a member of a group interested in  
12 this topic of area professionals. And I wanted to talk  
13 about the subject of this technical assistance for  
14 community groups.

15 And our group would like to formally request that  
16 another consultant be engaged to look at this from an  
17 environmental engineering standpoint. Either a  
18 consulting firm or an engineer with experience in that  
19 field that is a disinterested third party. And has no  
20 biases on the issue on one side or the other and to give  
21 us an independent analysis of this agreement.

22 MR. de BLASIO: Thank you. Number three,  
23 Lori Franson.

24 THE SPEAKER: She left.

25 MR. de BLASIO: Number four, Ruth Averill.

1 THE SPEAKER: She left as well.

2 MR. de BLASIO: Number five, Annette Rummel.

3 MS. RUMMEL: My remarks are focused towards,  
4 in a letter form to Director Lisa Jackson and I'd like  
5 to read this letter into record. In reference to your  
6 letter dated May 26, 2009 I wish to thank you,  
7 Ms. Jackson, for taking such an active interest in our  
8 region. Authorizing the focus of EPA resources to  
9 address our situation and evaluating the Saginaw Bay  
10 watershed environmental circumstances to one of the  
11 EPA's highest priorities.

12 The communities affected by this process and the  
13 majority of citizens involved wish to see this issue  
14 finally resolved.

15 EPA representatives were clear during their public  
16 meeting that a CAG would be established and provided  
17 with funding support in order to facilitate accurate,  
18 timely and understandable communication with the  
19 citizens in this region. These representatives also  
20 made it clear that transparencies and process compliance  
21 would be followed in order to establish trust and  
22 ultimately have the situation concluded once and for  
23 all.

24 I believed in these representatives, in what they  
25 had to say, believed that this process would be

1 followed. Participated in the process being set forth  
2 by these EPA representatives and complied in accordance  
3 with the rules presented.

4 It was only when I happened to see a blurb on the  
5 second page of the EPA's four page newsletter that my  
6 faith in this process dwindled. The newsletter  
7 indicated that technical assistance services would be  
8 provided to the Lone Tree Council whose membership  
9 according to Terry Miller consists of approximately 60  
10 persons.

11 This was disheartening as a resource inquiry I had  
12 made earlier was denied followed with information  
13 indicating that only the CAG once established was  
14 eligible to receive resources. Additionally it was only  
15 after I made a telephone call contact to express my  
16 disappointment that the following announcement was made  
17 clearly to those participating with the e-mail contact  
18 program.

19 That announcement indicated that technical  
20 assistance, the EPA is using its technical assistance  
21 services for community programs to provide independent  
22 technical assistance to the Lone Tree Council and other  
23 community groups during review of the proposed  
24 settlement.

25 Environmental consultant Peter Defur has been hired

1 by the EPA contractor Ecology & Economics to provide  
2 support. All materials will be posted on his web site  
3 at and they listed the web site.

4 The purpose of this correspondence is to encourage  
5 you and your department to reestablish the rules you  
6 have established and communicated. Respond and support  
7 the community wide representative group that you have  
8 enabled, the CAG, and begin again to establish the trust  
9 in the system you have developed.

10 I urge you to follow through on your commitment for  
11 transparency and to make it clear that facet groups  
12 within our community do not represent the community at  
13 large. You have established the CAG as your community  
14 representative group please grant it your full  
15 confidence and support.

16 The CAG includes members from the facet group  
17 identified above as well as individuals representing  
18 broad base community constituency. I ask you to  
19 reinforce your dedication and support of the CAG by  
20 assigning any and all resources for this effort to this  
21 official group. By taking this action you acknowledge  
22 this group as the official voice of this process.

23 You have taken great measures to include all  
24 aspects of the community within the CAG. And that the  
25 CAG represents a balanced voice, the majority of

1 citizens including the minority groups found within the  
2 community and is the official disseminator of  
3 communities in partnership with EPA.

4 You are encouraged to avoid undermining the  
5 authority of the CAG by directing resources to minority  
6 groups. Your department's actions will determine the  
7 level of confidence participants will possess in this  
8 process.

9 My desire as a new member of CAG is to support you  
10 the EPA and help facilitate the clean-up process on  
11 behalf of the Saginaw Bay watershed environment. It is  
12 time to move the dioxin and furan clean-up issue forward  
13 and to its end. Our region desires to have this issue  
14 behind us to the final satisfaction of the USEPA,  
15 Michigan DEQ, DNR and all other parties involved. Thank  
16 you.

17 MR. de BLASIO: State your name.

18 MS. RUMMEL: My name is Annette Rummel and I'm  
19 the CEO of the Great Lakes Bay Regional Convention &  
20 Visitors Bureau and I appreciate your time, thank you.

21 MR. de BLASIO: Thank you. That did go a  
22 little bit long.

23 MS. RUMMEL: Sorry.

24 MR. de BLASIO: Number six, Curt Tucker.

25 MR. TUCKER: I'm going to yield my time to

1 Dr. Shaheen or anybody else that needs it.

2 MR. de BLASIO: Number seven, David Bicigo. I  
3 apologize if I mispronounce anybody's name. You want to  
4 come over here this microphone seems to work a little  
5 better. That way if you get too long I can nudge you in  
6 the ribs.

7 MR. BICIGO: Good evening. My name is  
8 David Bicigo, I'm a home owner on the Tittabawassee  
9 River. My concern and comments tonight go to the fact  
10 that we purchased a home 12 years ago on the river, five  
11 and a half acres with the intentions of, being outdoors  
12 people of using the property and the river.

13 My boys were three and four at the time, so we did  
14 not want them to go down to the river at that time for  
15 fear that they could be injured, drowned. So we did not  
16 pursue using the lower floodplain area at that time.

17 We have, about two years later found out that our  
18 property is contaminated and we decided well then it  
19 wasn't safe for any of us to use. We paid a lot of  
20 money for the property and we felt that there was  
21 nothing we could do with the lower portion.

22 When Dow started addressing this issue they came to  
23 home owners, they had several meetings, they asked our  
24 concerns. We told them what we wanted, what we bought  
25 the property for, what our dreams were and stuff like

1 that. Over the years I don't think the home owners  
2 concerns have been addressed.

3 I feel since this process has gone on it's only, in  
4 all government the bureaucracy that goes with it has  
5 only slowed it down even more.

6 We recently had our property logged to pay off some  
7 high heating bills and the paths that were there when we  
8 bought the home were opened up. And we've asked them to  
9 come back and take care of them, cover them up so we can  
10 use the lower land. Now that my boys are 15 and 17 love  
11 fishing, want to hunt, want to be able to use the  
12 property the way we envisioned it.

13 So I am concerned that all this bureaucracy and  
14 everything that's gone on over the last 10 years has not  
15 looked out for the home owners interest on the river.  
16 Thank you.

17 MR. de BLASIO: Thank you. Number eight,  
18 Gary Colopy.

19 MR. COLOPY: I'll pass.

20 MR. de BLASIO: Number nine, David Riddick.

21 MR. RIDDICK: I pass.

22 MR. de BLASIO: Number 10, Mike Kelly.

23 MR. KELLY: Mike Kelly, I'm a resident of  
24 Freeland. And just so the record shows that I am pro  
25 housewife, pro nurse, pro history teacher and pro

1 anybody that wants to have an opportunity to make a  
2 comment on this document.

3 You know I've been to, I don't know how long this  
4 process has been going on it scares me to think about  
5 it. I bet I've been to 30 meetings. Terry, how many  
6 meetings have you attended, I've been to as many as  
7 you?

8 THE SPEAKER: Many years of meetings.

9 MR. KELLY: Many years of meetings. And  
10 frankly it's not a lot of fun anymore. You know they  
11 always seem to take place during the week and go late  
12 into the evenings. And I want to thank the EPA in  
13 particular and Dow Chemical too for their ability to  
14 come together and put together I think what they have  
15 determined at least at this point is an agreement that  
16 is going to work out well I think going forward. And I  
17 appreciate the time that they've expended in that  
18 process.

19 And I think for the first time I think there's a  
20 light at the end of the tunnel here and I would  
21 encourage folks to not delay at this point. I think  
22 we're moving in the right direction and let's keep that  
23 momentum going, so we can come back together and talk a  
24 lot less in these meetings about process and a lot more  
25 about action in the future. So that's all I have to

1 say.

2 MR. de BLASIO: Thank you. Number 11,  
3 Betty Damore.

4 MS. DAMORE: I pass.

5 MR. de BLASIO: Thank you. Number 12,  
6 Scott MaCaulley.

7 MR. MACAULLEY: Scott MaCaulley, I'm a  
8 property owner along the Tittabawassee River, have been  
9 for years. I guess I agree with the gentleman that  
10 spoke earlier that the property owners rights aren't  
11 being addressed.

12 I see a lot of governmental organizations and  
13 private organizations all fighting over how this is  
14 going to be done and I don't think the input of the  
15 property owners who are directly affected are being well  
16 addressed.

17 So I guess you know when you have your CAG I think  
18 property owners should be represented in that crowd, you  
19 know whatever agendas. I know there's pros and cons  
20 about what's been going on on the river, but I think  
21 that property owners should have a say in what's going  
22 on.

23 Because it would, what they've done up at Dow  
24 totally denuded the river it would be a shame to have  
25 that happen all the way up and down the river. So

1 that's all I got to say.

2 MR. de BLASIO: Thank you. Number 13,  
3 Ron Thurlow.

4 MR. THURLOW: I'll pass.

5 MR. de BLASIO: Passes. Number 14,  
6 Peter Defur.

7 MR. DEFUR: My name is Peter Defur,  
8 Environmental Stewardship Contact, I'm that technical  
9 assistant everybody's been talking about all night. And  
10 in fact my office is the one that produced this fact  
11 sheet under the provisions of the EPA Technical Services  
12 for Communities.

13 I was asked to prepare a fact sheet basically that  
14 went beyond what EPA because EPA did a good job about  
15 summarizing basically what's in the agreed order as  
16 you've heard this evening, it's written out. I was  
17 asked to identify areas that might be of concern for you  
18 the citizens that you might want to think about in your  
19 comments to EPA.

20 I'm not promoting any of them, I'm not retracting  
21 any of them, these are areas that you want to think  
22 about very carefully in writing your responses which I  
23 hope you all respond to EPA. And I'm not going to  
24 repeat them. It includes some procedural elements,  
25 instructional elements of the agreement, exactly who's

1 doing what and you want to know that that's the way you  
2 want it to be done.

3 It also has a very important issue and that is  
4 public involvement. I think it needs to be very clearly  
5 spelled out in the agreement that the requirements of  
6 Superfund, that is CERCLA are not the only way which  
7 public involvement will occur.

8 That is quarterly meetings or monthly meetings with  
9 you the public to give you information about the nature  
10 of the project, the next steps, do you want to have  
11 technical meetings with various representatives, people  
12 in the community. These are not required under  
13 Superfund, but they may be conducted.

14 I can tell you over the two dozen projects that  
15 I've worked on across the country some of them do that  
16 regularly. They hold quarterly update meetings at  
17 Superfund sites.

18 And they have the state and federal agencies,  
19 because they're cooperating in some of these sites, they  
20 come in and talk about the technicalities of what  
21 they've been doing. Problems they're having, how  
22 they're trying to address those and what they're going  
23 to do next. Those can be and I think they would be wise  
24 to add them into the agreed order.

25 There are also various elements that I'm looking

1 at, I have four pages of technical comments that will go  
2 to the Lone Tree Council which is the recipient of this  
3 task funding at the present time. And they include such  
4 questions as what is the intent of the Bio Data (ph)  
5 Sampling Program. I think it's best if that's spelled  
6 out not in a lengthy addition to the agreed order, but  
7 in a sentence or two.

8 Second of all you want to make sure that the agreed  
9 order appropriately identifies sampling that will  
10 address risks to children. And not just children who  
11 are four and five years old, but children who are  
12 newborn and pregnant women, so those risks need to be  
13 identified.

14 You also need to make sure that community risks  
15 which are cumulative risks are identified and examined  
16 in the investigation that goes on in the future and that  
17 will be the next steps.

18 This cumulative risk for communities is one of the  
19 areas that EPA has been working on for the last at least  
20 five years. And they've developed initial guidance on  
21 how to do it. And it accounts for such matters as the  
22 psychosocial impact of having contamination in your back  
23 yard or community. And the cumulative affects of not  
24 just one or two or in this particular case a suite of  
25 chemicals, but a combination of more than 200 chemicals.

1           These are not easy questions to address, but there  
2           are ways that you can begin to address them. I want to  
3           thank you and I will be around afterwards to have this  
4           discussion with other members of the community.

5           MR. de BLASIO: Thank you. Before we go on I  
6           want to remind everybody that public comment is not the  
7           only way to express your opinions on this. There are  
8           sheets in the lobby where you can fill out, there are  
9           also sheets, there's information on the back of the  
10          agenda where you can send your information by mail, fax  
11          or e-mail. So some people don't like to stand up and  
12          talk, so that's a way for you to make your opinions  
13          heard. Number 15, Leonard Heiseman.

14          MR. HEISEMAN: I'm a property owner on the  
15          Tittabawassee River. Couple of these items have already  
16          been covered during the question and answer period just  
17          a couple of things for the record. Now that we've moved  
18          into the public comment portion of this agreement couple  
19          things that have been bothering me that I heard and  
20          people have made comments on.

21          And it's become more than apparent to a lot of  
22          people that the Lone Tree Council is in an advantageous  
23          position and able to direct the EPA towards decisions  
24          favorable to their mindset on this issue.

25          Couple of examples have surfaced lately such as the

1 inclusion of a Mr. Peter Bagley, I believe, to the CAG  
2 selection committee because Lone Tree objected to the  
3 initial make-up of the committee. This after the EPA  
4 specifically stated the committee would be made up of  
5 five members only.

6 Another item the issue of technical support that's  
7 been discussed repeatedly throughout this meeting. That  
8 the EPA was so willing to support and immediately  
9 granted funds to secure an expert to review the  
10 agreement. This was done for Lone Tree we're still  
11 waiting to find out what other community groups were  
12 included. Tonight we find out that there's probably  
13 going to be more community groups trying to get  
14 included.

15 And were any actual property owners or people  
16 living in the affected areas given this type of support.  
17 This was brought up also why was the 30 day public  
18 comment period lengthened to 60 days, we already know it  
19 was at the request of Lone Tree.

20 And I say it isn't that Lone Tree folks shouldn't  
21 have your say into this very divisive issue, but these  
22 three examples are just a small snapshot of the self  
23 aggregation they bring to the table.

24 This issue must move along expediently, fairly and  
25 open to all interested parties. The EPA is not letting

1 this happen when they are by all measurements letting  
2 the Lone Tree Council help direct their decision making  
3 process.

4 One of my biggest concerns as this process moves  
5 forward that the EPA will become another MDEQ and let  
6 itself become roadblocked to the point of an action. We  
7 as a community must put this issue behind us.

8 I only hope that the EPA is able to complete their  
9 mission and remove themselves from our area and not  
10 leave us divided and wondering if we just wasted money  
11 that possibly could have been better spent. Thank you.

12 MR. de BLASIO: Thank you. Number 16,  
13 Rick Hayes.

14 MR. HAYES: I'll pass.

15 MR. de BLASIO: Rick Hayes passes. Number 17  
16 looks like Samuel Shakley.

17 DR. SHAHEEN: Shaheen.

18 MR. de BLASIO: Shaheen, oh, I'm sorry.  
19 Dr. Samuel Shaheen.

20 DR. SHAHEEN: Sam Shaheen. I've been involved  
21 in this process since the beginning. I've done a lot of  
22 study, I'm a chemistry major, I'm a physician, I've  
23 practiced in this area for over 50 years. I feel that  
24 we're going about this completely wrong. The gentleman  
25 from the university that discussed putting in some

1 unbiased consultation I agree with 100 percent.

2 I have yet to find one person that I can directly  
3 pinpoint any disease process specific to furans or  
4 dioxins and I've practiced continually for 50 years.

5 So I have one question, the question is geared I  
6 own multiple properties on the Tittabawassee River. And  
7 I don't want that property diluted like they diluted the  
8 property on the river down there.

9 Now, is there any, I really need to know do I need  
10 an attorney, do I need court action, what do I do to  
11 prevent that from happening were it to happen? They're  
12 not going to take the trees, the soil and the beauty  
13 away from the river that truly belongs there.

14 MR. de BLASIO: Number 18 card is missing, so  
15 move on to number 19, Vincent Castellanos.

16 MR. CASTELLANOS: My name is  
17 Vincent Castellanos I'm an adjunct professor here at  
18 Saginaw Valley as well as at Delta College. I have an  
19 undergraduate degree, bachelors of science degree from  
20 Saginaw Valley as well as a masters from Central  
21 Michigan. And so I've been in this process since 1984  
22 and only recently because of some illness I haven't been  
23 able to participate, I hope you bear with me here.

24 I'd like to congratulate Dow Chemical and EPA on  
25 coming to this resolution. I know it's not finalized,

1 but it's getting there. It's very important that we do  
2 finalize this agreement.

3 Now, I do have maps that show the contamination of  
4 this area and will be willing to share those with the  
5 EPA as they should see fit and this community council to  
6 be of interest to those maps. Because I feel that if we  
7 are going to have a site specific issue it should  
8 include all the sites that went into the river as well.

9 And I would like to share with everyone that I  
10 appreciate this opportunity. Right now I'm dealing with  
11 Parkinson's it takes me awhile to move, but I will get  
12 there. Thank you.

13 MR. de BLASIO: Thank you. These are all the  
14 cards that I have for people who registered, is there  
15 anybody else who wants to make a comment?

16 MS. HENRY: My name is Kathy Henry, K-a-t-h-y,  
17 H-e-n-r-y. I'm a former resident of the Tittabawassee  
18 River also associated with the Tittabawassee River watch  
19 group. And I just wanted to address the concerns that a  
20 couple of the property owners had about the EPA coming  
21 in and denuding their properties of all the trees,  
22 vegetation.

23 I think if they were to take a drive over to  
24 Riverside Boulevard and take a look at the clean-up that  
25 EPA did last year they would find that EPA did leave

1 many of the very large trees and replanted the grass.  
2 And it really doesn't look anything at all like what it  
3 looks like at Dow Chemical. So just you know don't  
4 worry about that they're going to work with you on that.

5 MR. de BLASIO: Thank you. Any other  
6 comments?

7 MS. BURTT: Hi my name is Laura Burtt, I'm a  
8 resident, L-a-u-r-a, B-u-r-t-t. I just wanted to say  
9 that I hear some negative things about the Lone Tree  
10 Council engaging help for us in understanding all of  
11 this. And as a resident and involved in a lot of other  
12 things I feel it's one of the most helpful things that  
13 they, has come out of this for the residents so far.

14 It gives us someone when we have a question or we  
15 don't understand something that we can contact. And if  
16 he doesn't know the answer he'll get it for us, he'll  
17 help us figure it out and I appreciate that. That's all  
18 I have to say.

19 MR. de BLASIO: Thank you. Any other  
20 comments? Another comment.

21 MS. HUNTLEY: My name is Deborah Huntley,  
22 D-e-b-o-r-a-h, Huntley, H-u-n-t-l-e-y. I'm the Dean of  
23 the College of Science, Engineering & Technology at  
24 Saginaw Valley State University. And I've only been  
25 involved in this process since mid summer to be honest

1 with you. But one of the things I think is really  
2 important to consider at all times is to look at the  
3 science, to look at the data and not respond purely  
4 emotionally to the issue.

5 There certainly are emotional issues associated  
6 with people who have lived with this for a decade or  
7 whatever. But we need to be very careful that we look  
8 at this rationally and objectively and consider the  
9 science, the data and deal with the problem in a  
10 scientific, rational way. Thank you.

11 MR. de BLASIO: Thank you. Any other  
12 comments?

13 MR. TUCKER: I was going to yield, but I'd  
14 like to come up and speak. Curt Tucker, Curt C-u-r-t,  
15 T-u-c-k-e-r. And I grew up in Section 19 of Saginaw  
16 Township which is between State and Gratiot about midway  
17 on Midland Road on the west side, so it'd be the river  
18 side of the road.

19 My grandparents bought their farm which I grew up  
20 on in 1919 after World War I. At which time of course  
21 my aunts and uncles, grandparents, myself, my brothers  
22 and sisters we all grew up hunting and fishing and  
23 playing in the water in the Tittabawasse. You know  
24 they've all died at you know the ages that were expected  
25 to, their seventies and eighties. No cancers, we happen

1 to be lucky I think.

2 You know I do know that during that time our  
3 grandparents always warned about spending too much time  
4 in the water. It was interesting that it never froze  
5 over and we couldn't fish out of it. But today the  
6 river freezes over, there's a fishing tournament that is  
7 just assume that takes place every year, you can eat the  
8 fish out of there.

9 You know Dow I think, I have to applaud them,  
10 they are really giving it their all to get this  
11 situation remedied. And I appreciate the EPA, MDEQ, the  
12 Lone Tree and all the residents. I mean this is America  
13 other countries don't have this opportunity to go back  
14 and forth they're just very one-sided.

15 So let's go further, let's get this resolved. And  
16 do it in a, I think Doc Shaheen and the professor from  
17 Saginaw Valley, an independent study, somebody that's  
18 totally unrelated, not paid, have any interest in it.

19 I worked at a material test laboratory for nine  
20 years of my career, I'm a business owner 20 years now in  
21 Saginaw. But nonbias, independent laboratory is the way  
22 to go, so.

23 But thanks for, everybody here shows that we really  
24 care about Saginaw. I had lived in Florida, I lived in  
25 California, but my heart was still in Saginaw. So I

1 moved my business back here and I'm glad that I did  
2 because of people just like everybody that's here, so  
3 thank you.

4 MR. de BLASIO: Thank you. Anymore comments?

5 MS. BUCHALTER: My name is Alice Buchalter,  
6 A-l-i-c-e, B-u-c-h-a-l-t-e-r. The comments about the  
7 river not freezing I happen to know about those because  
8 the Department of the Interior did the thermal pollution  
9 of the river on my property. I got a call one day  
10 saying oh we know that you have trails down to the river  
11 we would like to come and do the thermal pollution  
12 studies because the river never freezes.

13 And they did those studies and as a result of those  
14 studies they had to have, the water was used to cool the  
15 equipment at Dow. And the water was no longer used  
16 directly to cool the, well, it was used but then it had  
17 to cool off before they put it into the river. So that  
18 problem was solved and the river now does freeze.

19 But when we first moved there, which is a long time  
20 ago, the steam used to come off the river all the time.  
21 So that problem was corrected and it did take an outside  
22 party putting efforts, information and giving Dow the  
23 initiative to make those changes.

24 So those people who are critical of government we  
25 have to have balances. And the balances are that people

1 will not do things on their own unless they are  
2 supervised sometimes or encouraged to make some of these  
3 changes. So I am happy that the EPA is encouraging Dow  
4 to make some more changes like they did on the thermal  
5 pollution studies now we have to clean up these  
6 pollution studies. Thank you.

7 MR. de BLASIO: Thank you. Any other  
8 comments? No more comments? I want to remind everyone  
9 once more you still have the chance to mail in by  
10 December 17th any comments that you have.

11 Having heard all comments from all those present  
12 we'll declare this meeting adjourned, thank you.

13 (Proceedings concluded at 9:15 p.m.)  
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STATE OF MICHIGAN )  
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COUNTY OF SAGINAW )

I certify that this transcript, consisting of 73 pages, is a complete, true, and correct record of the proceedings held on November 5th, 2009.

I also certify that I am neither counsel for nor related to any party to said action nor in any way interested in the outcome thereof.

Robin A. Doan

Robin Alvis Doan, CSR 5650  
Notary Public, Saginaw County  
My Commission Expires 2-20-13