

**MINUTES
ST. CLAIR SHORES CITY COUNCIL STUDY SESSION
FEBRUARY 6, 2012**

City Council Study Session, held in the Council Chambers, located at 27600 Jefferson Circle Dr., St. Clair Shores, Michigan.

Present: Mayor Walby, Council Members Caron, Frederick, Rubino (arrived 6:02 p.m.), Rusie, Tiseo, and Vitale

Also Present: City Manager Hughes, City Clerk Kotowski, and City Attorney Ihrle

1. CALL TO ORDER, ROLL CALL AND PLEDGE OF ALLEGIANCE

Mayor Walby called the meeting to order at 6:00 p.m. Ms. Kotowski, City Clerk, called the roll with a quorum present and the pledge of allegiance was recited by those present.

2. PRESENTATION BY EPA ON THE PCB SUPER FUND PROCESS

Colleen Moynihan, EPA Remedial Project Manager, and Megan McSeveney, EPA Community Involvement Coordinator, presented an overview of the general procedure regarding the PCB Super Fund Process. There will also be an Open House on March 6th from 10 a.m. – 12 p.m. and from 4 p.m. – 6 p.m. at the St. Clair Shores Library and a Town Hall Meeting at 7:30 p.m. in Council Chambers at the St. Clair Shores City Hall to discuss samplings of the Ten Mile Drain Program.

Ms. Moynihan indicated that they want to take a step back and have an overview of the Super Fund Program. In regards to the Super Fund Process, the origin is that there was little attention to what hazardous materials were being dumped. One example of a Super Fund Project is the Love Canal in New York. The canal was built and over time a variety of chemicals were dumped into the canal and dirt placed over it. It was then purchased for \$1.00 and an elementary school built over it. A second example was the Valley Of The Drums in Kentucky. Multiple drums were dumped in the area with different types of chemicals in them. Some of the chemicals exploded when they were exposed to oxygen. To respond to the release of the hazardous materials, Super Fund, also known as CERCLA (Comprehensive Environmental Response, Compensation, and Liability Act) was passed by Congress in 1980. It began with a tax on oil and chemical companies and put money into a trust fund used if no potential responsible party is found or the potential responsible party cannot pay for dumping. Ms. Moynihan stated that there is a team of lawyers for all Super Fund sites.

The Mission and Goals for Super Fund have several major goals which include protecting human health and the environment, involving communities, and to set guidelines to identify responsible parties for the cleanup process. Often times a site can be returned to productive use.

The EPA has ten Regional Offices in the United States and St. Clair Shores is in Region 5, which includes Michigan, Wisconsin, Indiana, Illinois, Ohio and Minnesota.

EPA's authority to respond is made up of two types of response action: 1) removal which is a short term immediate response which addresses immediate threats and 2) remedial which is a long term cleanup which addresses long term threats.

Remedial Responses happen when there is a site discovery with a Preliminary Assessment and Removal Site Evaluation. The state is the first one to recognize site assessment. They take the information to see if it's eligible for funding and it gets put on the NPL (National Priorities List) because they scored enough with a lot of contamination on the site.

Once the site placed on the NPL, there are several major phases through the pipeline.

- 1) Feasibility Study
- 2) Remedial Design
- 3) Remedial Action
- 4) Operation and Maintenance

The EPA engages with community involvement and works with ATSDR (Agency for Toxic Substances and Disease Registry), the state, Fish and Wildlife, the Department of Natural Resources, and local governments.

Agenda Item 2 (cont'd)

Remedial Investigation asks where is the contamination, how bad is the contamination, is it moving, and, if so, where is it moving.

All Contaminated Media includes ground and surface water, sediment, and heavy metals. They will look at how contamination travels, where it travels and the need to realize it is complex. Sometimes a river will be different from residential in regards to cleanup.

Feasibility Study is an engineering study that develops and evaluates various cleanup options for the site. From the Feasibility Study cleanup options are taken to the community.

The EPA has nine evaluation criteria for remedy selection to assist in each cleanup alternative for a site.

Remedy Selection Proposed Plan is provided to the public.

EPA provides a transcript for the administrative record (list of all documents, investigations, etc.) and all information is accessible in the repository at the St. Clair Shores Library.

ROD (Record of Decision) is a final decision on the cleanup is released. Interim Action RODs are a way to address certain concerns at the site before reaching a final cleanup plan.

Post-Remedy Selection is what happens after a remedy is selected. Detailed plans are developed and then the Remedial Selection varies on what Remedial Action is. It then goes through the pipeline. Finally, O & M (Operations and Maintenance) ensures the required equipment is installed and the EPA monitors site cleanup process.

The Five-Year Review is a quarterly monitoring of ground and surface water. Every five years they go back and look up the cleanup plan and ask if we are reaching our goals.

Ms. McSeveney indicated that the Community Involvement Goals keep the community involved through meetings, door knocking, etc., and provides opportunities for public comment. Ways the public can get involved are through public meetings, joining or forming a community advisory group, visiting local information repositories, and contacting the Community Involvement Coordinator (CIC) or Site Project Manager.

Community Involvement Tools are mailing lists, fact sheets, updated websites, door knocking, repository updates, and media and press releases.

The Superfund today has placed 20 new sites on the NPL, and proposed eight sites to the NPL. The NPL had, at the end of FY 2010, 61 proposed sites and 1,627 final and deleted sites. They selected 92 cleanup remedies at 60 sites; amended 24 cleanup plans at 24 sites and issued 59 explanations of significant differences at 53 sites.

Additional Links for this Super Fund Program are the Ten Mile Drain Regional Website, Superfund Region 5 Website, MDEQ (Michigan Department of Environmental Quality) website, and MDCH (Michigan Department of Community Health) website.

Mayor Walby asked that in the 9 Step Process, are we are at site inspection.

Ms. McSeveney stated that this site has already been assessed and placed on the NPL. Ms. Moynihan stated that in general it is the complexity of the site and stated they have three wheels turning at the same time.

- 1) Interim Action – go out to check on weirs monthly.
- 2) the Source Error Report will be coming out in March where we will hold a Town Hall meeting.
- 3) take the entire site through the pipeline process. Need to ask what is the source, and how far the PCB has traveled. When we have a final cleanup plan, it is more comprehensive.

Mayor Walby asked if there was money available to take care of this.

Ms. Moynihan stated that there is Super Fund money through every region. When they get the cleanup plan, they will take it to Prioritization Panel. There's money, but it's the process they have to go through to get the money.

Ms. McSeveney said that this site is moving at warp speed compared to other sites.

Mr. Caron asked Ms. Moynihan to describe the Super Fund process versus how this compares from previous cleanup processes.

Agenda Item 2 (cont'd)

Ms. Moynihan indicated that in 2002, they thought it might be midnight dumping. The process was then taken over by the county. The contamination came back and the removal program responded again. Emergency Responders are the first to come out and they don't go through the Super Fund pipeline. They are taking all the information to start directing where they should be sampling. Now, they are going through a comprehensive process.

Mr. Caron also stated that the reports are available on the St. Clair Shores website as well as the St. Clair Shores Library.

Mr. Vitale stated that today's presentation is very general and asked that the meeting in March can be more specific to St. Clair Shores and geared more toward our situation. Ms. Moynihan said that in March, a fact sheet and more details to St. Clair Shores will be discussed.

Mr. Frederick thanked the EPA for doing this at warp speed and understands there is a process to go through. He asked if there is money already dedicated to this or do we have to get more money. Ms. Moynihan said that they have funding to move forward and RIFS and cleanup plan. Then go to headquarters with the plan and they will distribute the money. They don't have any money now for cleanup because we don't have a plan.

3. AUDIENCE PARTICIPATION

Brent Avery asked what the second 'C' in CERCLA is and how does it work? Ms. Moynihan stated that the second 'C' indicates Compensation and CERCLA provides us to respond to the release of hazardous material and the Super Fund has the responsible party conduct the cleanup. Mr. Avery asked if there can be compensation for property owners. Ms. Moynihan stated that it is on a site by site basis and sometimes there are residential cleanups, but she could not specifically answer his question at this time.

Senator Bieda asked how the EPA prioritizes and how can a community move up on the list. Ms. Moynihan said that being on the NPL makes us eligible for Super Fund money. Being active in community action such as coming to meetings is a great way to help them. They can then convey this information to their management.

Amanda York from Congressman Levin's office thanked the EPA for being here. She said they are in constant contact with the EPA and Mr. Hughes and to let her know if there is anything they can do to help. This issue is a big priority to Congressman Levin.

Dave Consiglio asked how much money has EPA spent and are they any closer in finding the source. Ms. Moynihan stated she didn't know the figure off the top of her head, but will get back to Mr. Consiglio.

Ms. Moynihan stated they will hold a Town Hall meeting on March 6th at 7:30 p.m. to present their findings to date. They have determined that the PCB's are not traveling in the water main and sanitary sewer line and can rule this one area out. She stated that, not inside, but outside of the drain is where much investigation went on and that four locations next to man holes that have levels of PCB materials. Mr. Consiglio asked if core samples taken will be revealed in March. Ms. Moynihan said that every coring is revealed now on the website and will also be discussed in March as well as a fish update. Mr. Consiglio asked if all 850 people will be notified. Ms. McSeveney said the fact sheet will be coming out and they will use the mailing list to contact people in the Drainage District.

4. ADJOURNMENT

Motion by Caron, seconded by Rusie to adjourn at 6:51 p.m.

Ayes: All – 7

KIP C. WALBY, MAYOR

MARY KOTOWSKI, CITY CLERK

(THE PRECEDING MINUTES ARE A SYNOPSIS OF A CITY COUNCIL MEETING AND DO NOT REPRESENT A VERBATIM RECORD).