

**Clinton River Area of Concern
Remedial Action Plan
PUBLIC ADVISORY COUNCIL**

Special Meeting Minutes- Draft 1.23.17

MISD Room 205
44001 Garfield Road - Clinton Township, MI 48038
Thursday January 19th, 2017
Meeting 9am-10:30am

1. Introductions/ Roll Call

(5 min)

Members present:

Tim Backhurst, Citizen at large
Jerry Demaire, Citizen at large
Gerry Santoro, MCPED
Terry Gibb, MSUE
Lynne Seymour, MCPWO
Ron Fadoir, OCWRC
Shawn Keenan, City of Auburn Hills
Tim Pollizzi, City of Rochester Hills
Mary Bednar, Clinton Township
Randy Young, MCC
Luanne Lammerman, MC prosecutors

Members on phone:

Stacey McFarlane, MCHD
Ryan Colliton, HCMA
John Balint, City of Pontiac
Ryan Giorio, OU

Members Absent:

Dave Puranen, MISD
Ken Verkest, Harrison Twp
Mark Richardson, Citizen at Large
Denice Gerstenberg, Sterling Heights
Joe Youngblood, Shelby Twp
Bill Lang, City of Utica

Stakeholders present:

Jamie Burton, HRC
Jim Scholl, HRC
Jeff Bednar, AEW
Kevin Hrit, Senator Peters' Office
Jen Tewksbury, MDEQ
Anne Vaara, CRWC
Matt Einheuser, CRWC
Amanda Oparka, CRWC

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Stakeholders on phone:

Bill Parkus, SEMCOG

Sue Virgilio, USEPA

2. Update from Habitat Committee (Randy Young) on “Red Run Project” (30 min)
Habitat committee chair Randy Young had some opening comments and observations and then move on to the discussion of the letter from EPA:

What brought us to this point?

Several years ago the PAC set out to identify habitat projects that would allow us to remove our BUIs and ultimately delisting as an AOC. PAC habitat committee made sure that all of the needs throughout the AOCs were addressed in the projects that were selected. From the onset of this whole process the Red Run subwatershed was an issue and how to address it because of urbanization and the red run proper being a designated drain.

In Jan 2015 The PAC approved a list that budgeted the Red Run Master Plan as \$2million. A general consensus of the PAC at this time that the Red Run could not be ignored just because it is urbanized and still remove BUIs and delisted the AOC. Federal partners have continually pushed back on this project.

March 2016, at the AOC conference, EPA called an impromptu meeting with PAC members who just happen to be at the conference to let them know they would not fund the plan that was proposed.

April 2016, they came back and said that they would fund 1 implementation project including habitat and green infrastructure.

Subsequent Habitat committee meetings were held to develop a new project that would fit into what they were looking to fund. A revised proposal was put together by the MCPWO that fit what the habitat committee and state partners identified as beneficial to the Red Run subwatershed and would help in the removal of habitat BUIs with clearly outlined outcomes. The revised proposal was sent to the EPA with a budget of \$4.38 million. This proposal was discussed in depth at the last habitat committee meeting with state reps from DEQ and DNR and determined that it would meet the criteria need to delist.

Now we are here to discuss the letter that was sent from the EPA and the PAC response to the \$1 million

Jen Tewksbury: From the state we have done a bit of leg work on this project. She has recruited DNR and DEQ staff to assess the tributaries to the Red Run for ecological value and they determined that most of the Red Run was not ready for habitat work. Then we shifted to more water quality focused and Green Infrastructure. DEQ has been trying to separate the numbers from the outcomes.

Randy: Is the state saying that we do not remove the BUI to delist?

Jen Tewksbury: There needs to be an end point through the AOC program and they would like to remove the habitat BUI knowing that we have a solid foundation to continue our work passed the life of this program.

Sue Virgilio:

Agrees that our PAC has done a great job identifying projects to address the habitat BUIs. A lot of this work is not viable in the Red Run EPA is not able to fund the plan that was recommended, but wanted to continue to

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work with us to figure out a way to address concerns in the Red Run. They have brought in many other federal partners to look at this subwatershed USACE, Green infrastructure team ect. The reality is that Red Run is a drain. They looked at what we proposed and looked at what it would cost to complete and that's where they came up with the dollar amount of \$1 million. They understand that it is frustrating and they are limited in what they can fund.

Randy: I appreciate the budgetary constraints, you said you looked at other AOCs?

Sue: No we looked at it as if we were putting it out to bid ourselves.

Randy: Are you saying this enough to delist?

Sue: You have already done some targeting in the Plumbrook it their hope that the PAC would continue to build on that \$1million.

Jen: The RAP does not identify habitat bench marks for the Red Run so it is difficult to gage what is enough to delist.

Shawn Keenan: We know the problem is large so we need to focus on how far we have come in the AOC and outline what more we have to do.

Lynne Seymour: Transparency is essential in order to get the public support for delisting

Jerry Demaire: More impervious surfaces are going into the Red Run along the Plumbrook drain. As a member of the public he would like the PAC to identify an area where we can focus the money and get the most bang for the buck.

Anne Vaara: Would like to clarify things she has heard at recent AOC conferences and SPAC meetings from Mark Tuchman, that much of the money is going into the AOCs that are near delisting and there is money to fund projects in AOCs that have targeted dates for delisting in the next couple years? The Clinton is in on target to delist by 2019 and the Rouge is on target for delisting post 2025 but they just received \$6 million for habitat work.

Sue Virgilio: Red Run is not an area we can put money into because we don't think you will get the habitat value there and will follow up with Marc Tuchman to confirm.

3. Discussion and Response to EPA Letter (45 min)

Randy Young: In the interest of time we need to move on to discuss the PACs response to the letter dated December 1st 2016, In particular we need to clarify what we are being asked to do?
Are we being asked to commit to remove BUIs if we accept the \$1 million offer for the project?

Jen Tewksbury: Yes, the state has this understanding.

Randy Young: Is it the EPA's intention to remove BUI regardless of what happens in the Red Run or here today?
And the PAC is just here simply to advise the state and EPA on what the public feels you should do?

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Sue Virgilio: Yes, the EPA will remove the BUI regardless with the support of the state staff and EPA BUI removal staff.

Jen Tewksbury: The state also support the delisting of the BUI regardless of whether or not the Red Run project happens and what the PAC advises the state to do.

More discussion was had on what where the PAC stands on this offer and the intent of BUI removal regardless of what the PAC would like to see happen. PAC members agree that they do not want to turn down the \$1 million dollar offer because \$1 million dollars will help complete a portion of the proposed project but does not want to accept that the \$1 million will mean removal of the BUI. It will complete 25% of the project and the PAC will continue to look for funding to implement the other 75% of the project that ultimately lead to delisting. After discussing some possible motion that could put that response into words it was decided that another meeting would be held and that Anne Vaara (non-voting stakeholder) and Lynne Seymour (project applicant who has recused herself from voting on this issue) would draft some potential motions that capture the PAC opinion for the next meeting.

Mary Bednar: Motioned to table action on a response to the letter dated Dec 1st, 2016 from the EPA until next meeting which will be held on February 2nd at 2:30pm location to TBD

Support: Ron Fadoir

Motion passes.

4. Other Business:

Motion to adjourn: Randy Young

Support: Mary Bednar

Motion passes.

5. Next Meeting: February 2nd, 2:30-4pm MISD Room 206

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CALL-IN ACCESS NUMBER: **(712) 775-7031** PARTICIPANT PASS CODE: **908381**

DRAFT