

## Michigan Statewide Public Advisory Council

### **Winter Business Meeting**

Wednesday, March 19, 2014  
U.S. EPA Offices, Ralph Metcalfe Federal Building  
Chicago, Illinois

#### **Meeting Participants**

Tanya Cabala, *SPAC Vice Chair, White Lake AOC*  
Dennis Zimmerman, *Saginaw River/Bay AOC*  
Pat Crowley, *Kalamazoo River AOC*  
Richard Micka, *River Raisin AOC*  
Rick Hobrla, *Michigan Office of the Great Lakes*  
Sharon Baker, *Michigan Office of the Great Lakes*  
Kathy Evans, *Muskegon Lake AOC*  
Marc Tuchman, *U.S. EPA GLNPO*  
Stephanie Swart, *Michigan Office of the Great Lakes*  
Bretton Joldersma, *Michigan Office of the Great Lakes*  
John Riley, *Michigan Office of the Great Lakes*  
Jen Tewkesbury, *Michigan Office of the Great Lakes*  
Melanie Foose, *Michigan Office of the Great Lakes*  
Mary Bohling, *SPAC Chair, Detroit River AOC*  
Robert Burns, *Detroit River AOC*  
Anne Vaara, *Clinton River AOC*  
Matt Doss, *Great Lakes Commission*  
Katherine Hollins, *Great Lakes Commission*  
Margaux Valenti, *Great Lakes Commission*  
Patty Troy, *St. Clair River AOC*

Paulette Duhaime, *St. Clair River AOC*  
Bill Craig, *Rouge River AOC*  
Dan Ballnik, *Rouge River AOC*  
Rose Ellison, *U.S. EPA-GLNPO*  
John Perrecone, *U.S. EPA-GLNPO*  
Sarah Weaver, *U.S. EPA-GLNPO*  
Amy Mucha, *U.S. EPA-GLNPO*  
Gary Wager, *Kalamazoo River Cleanup Coalition*  
Mark Loomis, *U.S. EPA-GLNPO*  
Meghan Price, *ECT, Inc.*  
Keith West, *Lower Menominee River AOC*  
Lynne Seymour, *Clinton River AOC*  
Brenda Jones, *U.S. EPA-GLNPO*  
Diana Mally, *U.S. EPA-GLNPO*  
Susan Virgilio, *U.S. EPA-GLNPO*  
Michelle Bruneau, *MI Dept. of Community Health*  
Dave Cowgill, *U.S. EPA-GLNPO*  
Chris Korleski, *U.S. EPA-GLNPO*  
Roger Eberhardt, *Michigan Office of the Great Lakes (via phone)*

#### **Meeting Summary**

##### **Welcome, Introductions, and Review of Agenda**

*Mary Bohling, SPAC Chair, Detroit River AOC, Chris Korleski, U.S. EPA-GLNPO and SPAC members*

Bohling opened the meeting, led a round of introductions and reviewed the agenda.

##### **Reaction to AOC Conference**

Korleski spoke first on the AOC conference and discussed how Lakewide Action and Management Plans (LAMPs) will be a primary management tool for former Areas of Concern (AOC) after they are delisted. He indicated the LAMPs are being reviewed and improved under the Great Lakes Water Quality Agreement, Annex 2. There were some concerns about the LAMPs serving as good compendiums of information, but not providing adequate plans or prioritization guidance. Some participants expressed concern about the role of Public Advisory Councils (PACs) following delisting and suggested considering vehicles other than or in addition to the LAMPs.

There was appreciation for the opportunities for communication provided by the AOC conference, specifically sharing information among the EPA, state agencies, and local groups. For participants who were new to the AOC process, there was also appreciation for the hospitality of those involved and their assistance in providing information throughout the conference. It was noted that when other state agencies discussed their involvement in AOC work in their states, it seemed different from the way Michigan attendees spoke about their PACs. The State of Michigan has been respectful of the PACs' autonomy and decision making authority. This has made a positive difference and contributes to a better working relationship. It was specifically mentioned that it is important that

the state recognizes the PACs' work and notes accomplishments using words like "we," rather than the state taking credit for work done at the local level.

Some concern was shared about removing Beneficial Use Impairments (BUIs). In particular, there is interest in determining how to work under the current BUI removal criteria or change the criteria if it no longer seems applicable. It was noted that there was a presentation by Sarah Weaver, U.S. EPA, during the AOC conference about this topic which suggested decoupling the AOC target from the water quality standard. Sheboygan PAC members could also share how they tackled this issue. It was suggested that the SPAC should think about changing BUI removal criteria on a site-by-site basis rather than changing the criteria statewide. It was also suggested to look at Technology Based Effluent Limitations as well as other AOCs for ideas.

### **Approval of Nov, 2013 SPAC Meeting Summary**

*Mary Bohling, SPAC Chair, Detroit River AOC*

SPAC members approved the April 2013 SPAC meeting summary with no changes.

### **Miscellaneous Updates**

#### **PAC Support Grants**

*Matt Doss and Erika Jensen, Great Lakes Commission*

Doss noted that PAC support grants have provided a continuous stream of money without major gaps. Jensen has primary responsibility for managing the PAC grants that are funded by the Michigan Department of Environmental Quality (DEQ), via the EPA and Great Lakes Restoration Initiative (GLRI). Ten 2013 grants are underway and scheduled to be finished this summer. The 2014 request for proposals has been released and the proposals are due March 28. These proposals should be developed with the support of the local PAC and in consultation with the state AOC Coordinators at DEQ. There is approximately \$250,000 for this round of grants. Activities eligible for grants include projects that support PAC efforts (operational or project-specific); advance projects included in the DEQ's Delisting Strategy or identified by the AOC Coordinator; develop documentation of BUI removal or AOC delisting; and other efforts to remove BUIs or delist an AOC. The earliest announcement of awards will be on May 1 with the initiation of grant activities beginning no earlier than June 1. Work for these grants should be completed by May 31, 2015, with final reports turned in one month later.

Bohling noted the Detroit River PAC used these funds to leverage larger grants. It is helpful to consider the next step needed for BUI removal, such as increasing information or capacity to get the next grant. PACs should work with their EPA leads and AOC Coordinators. This advanced coordination and consultation will help to expedite the proposal review process.

#### **Perceptions Research Projects for Muskegon Lake and White Lake AOCs**

*Matt Doss, Great Lakes Commission*

Doss noted that this was an effort to determine how to move forward with AOCs after they are delisted and help PACs gather information on how their AOC is perceived within their community and beyond. The goal is to shift the prevailing attitude from a negative identity for the AOC to something more positive that is associated with a clean water resource. The DEQ agreed to make money available to assess the perception of the AOCs in the community. The Great Lakes Commission (GLC), through its SPAC grant with DEQ, is serving as the administrator and fiduciary for this effort. Earlier this year, through a competitive proposal process, the GLC hired the consulting firm Avenue ISR to carry out the research. The work started last month and Avenue ISR is studying chatter on social media, conducting interviews, and implementing survey work. They hope to be done by this summer and will present their results to the Muskegon Lake and White Lake PACs, as well as the SPAC. Tanya Cabala, White Lake AOC, noted that some people still have misperceptions about AOCs and there are often intense reactions in the community regarding the cleanup.

## **Great Lakes Day in Washington and Status of Great Lakes Congressional Priorities**

*Matt Doss, Great Lakes Commission*

Doss explained this effort to bring together the major regional entities to show Congress that they speak with a common voice. The GLC advocates on behalf of the Great Lakes states on regional priorities for restoration, as articulated in their annual priorities document. This year's priorities included continuing support for the GLRI; passing comprehensive legislation to enhance Great Lakes restoration and protection; taking action to protect the Great Lakes from Asian carp and other aquatic invasive species; investing in clean water infrastructure; and sustaining the economic and ecological vitality of Great Lakes ports and harbors. A one-page document was put together and co-branded by six regional organizations to highlight these priorities and has been effective in showing Congress how the region stands together. Other materials provided to Congress included GLRI fact sheets specific to each state. The maps on these sheets give a sense of the breadth of work happening in the states and have a powerful impact. SPAC members are encouraged to use these documents locally and with elected officials. The GLRI is currently in its fifth year, and local voices have a powerful impact in building support in Congress. This year, the President requested less than the recent funding level of \$300 million in his budget. A letter to the House Appropriations Committee has been drafted, urging Congress to provide level funding of \$300 million. SPAC members were encouraged to call their members of Congress and encourage them to sign on to the letter; the deadline was March 28.

## **Updates from Michigan DEQ**

*Rick Hobrla, Michigan Office of the Great Lakes*

Hobrla noted that Roger Eberhardt is the acting deputy director for the Office of the Great Lakes (OGL), due to the existing deputy director's absence for medical leave. Of the total 46 BUIs removed throughout the Great Lakes, 32 have been from Michigan AOCs. Deer Lake is the first Michigan AOC to have all its BUIs removed. They are hoping to have a formal delisting this summer. White Lake should be the second AOC to have all its BUIs removed; the degradation of aesthetics and drinking water BUI removals were recently approved while fish and wildlife populations and habitat BUI removals were recently submitted. The St. Marys River AOC recently removed the bird or animal deformities BUI. Hobrla expressed his appreciation of the presence of the EPA Task Force Leaders (TFLs) and his belief that the involvement of the TFLs helps with progress on AOCs. He noted that communication between federal agencies and the DEQ has gotten better. He also noted that federal agencies came to the DEQ office to discuss future plans for the AOCs. The DEQ wants to regularly inform the EPA of their AOC priorities so the EPA is aware of them when they are making their own funding decisions. This SPAC meeting is where the DEQ intended to share this information with the PAC's, but they can contact their AOC coordinator at DEQ if they want more information.

## **Roles and Responsibilities for Michigan's AOCs and Status of Planning for Upcoming Activities**

*John Perrecone, U.S. EPA-GLNPO*

*Rick Hobrla, Michigan DEQ Office of the Great Lakes*

Perrecone indicated that all of the EPA AOC TFLs are located in the Great Lakes National Program Office (GLNPO) so it is easier to coordinate. They provide significant assistance in the AOC process. The EPA wants BUI removals as soon as possible, but it takes time for the documentation to be shared with the appropriate experts for each specific BUI. PACs working together with their TFLs helps the process to be more effective.

## **Round Robin Discussion of AOC Priorities**

*SPAC Members*

- **St. Clair River:** The degradation of benthos BUI removal recommendation will be finalized in the near future. The Cuddle Creek habitat project is expanding. Four of the five habitat projects have gone to the City Council for approval; design for the remaining project is 90% complete and will go to City Council soon. Construction on the habitat restoration projects is planned for later this year. There will be a dedication for the River Walk project on June 7. The PAC is pursuing additional habitat work at the Marysville DTE plant that will be decommissioned. To address the beach closings BUI, there is consideration of upgrading a parking lot to reduce drainage directly into the river and minimize impacts to the beach. Beach monitoring has been cut due to funding restrictions and may create a hurdle for removing the beach closings BUI. The AOC still faces issues with spills affecting drinking water, including spills from vessels reported from Canada. The U.S.

Geological Survey (USGS) swallow study is showing good results for the bird or animal deformities BUI, but Environment Canada has not yet reported on eagles and forage fish. There continue to be problems with mercury and fish consumption, but PCB levels appear to be decreasing. John Austin will be the keynote speaker at a public education symposium scheduled for Sept. 14, 2014. A sturgeon festival is scheduled for the end of May and will be held near the largest sturgeon spawning area in the Great Lakes.

- Muskegon Lake: Of the six BUIs, the PAC is hoping to remove three soon. The City of Muskegon is making improvements to storm drains this summer and fall which should help reduce *E. coli* levels that continue to be a problem for beach closings. A fish and wildlife habitat project is planned for 2015 to combat eutrophication affecting Bear Creek and improve fish passage. It will be implemented under the National Oceanic and Atmospheric Association (NOAA)-GLC regional partnership project. The PAC has conducted many studies over the past ten years, and the EPA is evaluating the current set of sampling data to identify locations for implementation of best practices to reduce phosphorus. An oil slick caused by an abandoned oil well is affecting aesthetics. The DEQ and EPA are working together on containment, although plugging the well may not be possible. Projects under the Great Lakes Legacy Act are addressing benthos issues. A feasibility study for the Zephyr site has been completed. For Ryerson Creek, the PAC is gathering input from industries to determine a cost-share for a public-private partnership. Tributary sampling may be necessary, and the PAC might pursue a PAC support grant for this.
- White Lake: The White Lake AOC is close to having all eight BUIs removed. At its December meeting the PAC approved removal of the drinking water and aesthetics BUIs. Local criteria for the drinking water BUI has still not been met because it is not yet possible to determine that groundwater drinking supply is not being affected, but the PAC did as much as possible to move toward achieving that local criteria. Approximately 1,000 tons of material still needs to be removed from a wetland at the former tannery site, but this has been determined to be beyond the criteria for the AOC. Shoreline restoration at ten locations around White Lake has led to the removal of the two fish and wildlife BUIs. In April the PAC will formally request to delist White Lake. The PAC is continuing education and outreach efforts through an e-news letter, PAC meetings, and a documentary video that will show the story of White Lake from start to finish. The PAC is hoping to make presentations to local community groups and governments to tell them the delisting process has begun, and is also planning delisting celebrations. They will hold a public meeting to announce the delisting in three or four months. Last summer, the PAC held focus groups and conducted community surveys to discuss the best approach to move forward after delisting. They are seeking funding to do a formal study for strategic planning.
- Saginaw River/Bay: The PAC is undergoing positive restructuring and has initiated partnerships with several organizations outside of the AOC. Education and outreach initiatives have begun with University of Michigan (UM) Flint and Saginaw Valley State University (SVSU) to help reduce misconceptions about the AOC. The PAC has submitted documentation to remove the fish and wildlife habitat BUI, which is currently being reviewed by the EPA. The PAC is considering which BUI to focus on next. The two most likely are fish and wildlife populations or aesthetics. Last fall a biologist from SVSU talked about beach closings and traditional methods for managing *E. coli*. He showed that the traditional way to measure *E. coli* does not test for the other pathogens that are present. The PAC is hoping to determine exact pathogens present and their source by using a new testing method, quantitative polymerase chain reaction. This should help determine if the *E. coli* is natural or if it is caused by human waste or toxins. Currently, there is insufficient information about eutrophication to establish priorities. Phosphorus levels have remained at approximately the target level but eutrophication issues remain a problem. A project with USGS will look at response curves to see if it is possible to determine nutrient levels and the effect on fisheries in the bay. The DEQ has several projects that will show where progress needs to be made for eutrophication. Beach closings is another BUI to be removed soon. The PAC will work with SVSU and the health department to look at the beach closings BUI. There will be a forum to discuss eutrophication issues in April.
- St. Marys River: The PAC has been focused on getting the Little Rapids habitat restoration project moving. Funds are in place and they are setting up subcontracts for construction and monitoring for the project. A portion of the project should be completed this summer, with construction starting next summer, to be completed by 2015. This is one of the last big management actions needed for this AOC. The bird or animal deformities and degradation of aesthetics BUIs were recently removed. Beach closings and eutrophication are next. There are issues with fish tumor data yielding different results from U.S. and Canadian studies.

- Manistique River: Recent data confirms that there is an ongoing source of PCBs. This is a post remedial environment, but there continue to be sources in the sediment. The PAC will use money from contracts and NOAA to work on this issue. There is uncertainty with this ongoing source and how it may affect the BUIs. The PAC has funds to do most of the upstream remediation, including the potential source area, but not a full-scale remediation. They will start a feasibility study later this year to prioritize areas upstream. The source site is not a superfund site and the PAC does not have a non-federal sponsor, which is required under the Great Lakes Legacy Act. The PAC is moving forward with remediation of the paper plant site under a NOAA removal of marine-debris effort. They only have two additional BUIs to remove before delisting.
- Torch Lake: The DEQ formed a central committee for identifying an ongoing PCB source. They have conducted fish-contaminant monitoring and the fish tissue collected is currently in the lab. The Keweenaw Indian Community and several local fishing clubs collected the fish.
- Clinton River: New PAC officers were recently elected. The new leadership is very active. The PAC is currently looking for new members to join. The PAC has developed a matrix of priority projects related to the AOC. Ten projects have been completed over the past few years and several grants have been submitted to NOAA and the Sustain Our Great Lakes program. They are currently going through the process of vetting the projects to prioritize and match projects with issues, so they will be ready for the next round of grant opportunities.
- Rouge River: The Danvers Pond Dam Removal and Stream Restoration project got a Public Works Project of the Year award. The Wayne Road dam removal led to a discussion with partners for a 26-mile water-trail through five communities. This will help with outreach and public education. Stormwater flow continues to be an issue throughout the AOC. The Southeast Michigan Council of Governments just issued a green infrastructure vision, which will be a good educational opportunity and should help deal with some flow issues. Contaminated sediment is still an issue, and five of the BUIs are tied to sediment work. If the AOC cannot get past this BUI, it will not be able to get to the others. The PAC faces issues with finding match and partners. The U.S. Army Corps of Engineers has been working on two projects for ten years, and they still have not been implemented because of an inability to get match. The Michigan Department of Community Health is continuing to do fish sampling in the main channel with results showing improvement. The U.S. Forest Service gave the PAC a grant for planting trees. The PAC is working on prioritizing projects, and there is some discussion for Great Lakes Legacy Act initiatives.
- Menominee River: The PAC has an ongoing habitat restoration effort focused on the river islands and the removal of invasive species. The goal is to create better habitat for bird breeding. A dredging project is set for this year, along with shoreline restoration. A fish passage project will allow sturgeon through two dams, adding 25 miles to their spawning habitat. The PAC has a new short video posted on their website about the AOC. The PAC is in the last part of a three-year dredging project removing arsenic salts from the sediments. They hope it will be extended under a betterment project. There are issues under the Resource Conservation and Recovery Act which must be resolved before progress on the project can move forward. A three-year study of fish populations considers reference sites and should help remove the BUI in a few years.
- Kalamazoo River: The Superfund process is ongoing. The EPA released a feasibility study for the Allied Paper site on Portage Creek and laid out several cleanup scenarios. The next step is for the EPA to select and implement one of the options presented. The DEQ received funding from the Natural Resources Damages Assessment program to remove a dam upstream from the GLRI-funded stream restoration done in 2012. There are two additional dam removal studies near Otsego. These removals are tied to fish and wildlife habitat, and can happen after the superfund site is cleaned. The watershed council is coordinating with local organizations, including the Michigan Department of Community Health, to provide community connections and outreach projects to help make people aware of pollution, especially related to fish consumption and PCBs. The clean up for the oil spill that was adjacent to the AOC continues; the last part of the dredging for that project should be completed soon. Gary Wager, with the Kalamazoo Cleanup Coalition, made a video with U.S. Congressman Fred Upton in support of full removal of PCB contamination. The City of Kalamazoo earmarked money for advocating for the full removal option and public engagement has been strong. The Superfund (sediment) and AOC (dam) processes are separate, but dam removal cannot happen until

contaminated sediment upstream is removed. Sediment cleanup will not happen for another five to ten years. In the interim, sediment protection is needed because the dams are in very poor condition.

- **River Raisin:** Of the AOC's nine BUIs, eutrophication, degradation of aesthetics, and beach closings have been removed or are close to finished. Fish and wildlife habitat and populations BUIs will be assessed and removed together, possibly by the end of this year. Final monitoring is to occur this summer. A fish sampling survey from 2013 should show results related to fish consumption. There is anecdotal evidence, but a lack of paperwork, on why bird or animal deformities was established as a BUI. The PAC is looking at bald eagle productivity data, colonial bird nesting data, and tree swallow data, which shows some residuals. Dense Non-aqueous Phase Liquid is causing problems for degradation of the benthos and restrictions on dredging BUIs. A number of agencies completed GLRI-funded habitat restoration work within the AOC. The DNR is building water control structures and restoring wetlands for habitat restoration. Monitoring is still needed for this project. The PAC is also doing outreach programs, river cleanups, and will put in wayside signs at the location of the removed dams. The fish passage seems to be working. Seven of the eight dams have been removed; the Waterloo bypass is the only one that remains. Monitoring will be conducted at all eight sites. The EPA was impressed by the cooperation between state, federal, and local agencies.
- **Detroit River:** The PAC finalized the fish and wildlife plan revision. They identified ten priority projects. Two have NOAA funding for feasibility and design. Three have been submitted for grant funding, including Milliken State Park, Belle Isle, and Lake Okonoka. They are also studying fish spawning reefs in the Detroit River. The DEQ is trying to determine the next steps regarding fish tumors. A report should be out soon and should provide more information. Last fall the fish tainting BUI was removed on the U.S. side; Canada is about to remove the same BUI, so there will be an international celebration. The Friends of the Detroit River is leading a project to characterize the sediments in the Detroit River to identify target sites for remediation. Celeron Island and the River Rouge shoreline were completed last fall. Five priority projects still need to be completed, and they are hoping to complete two of those this fall. USGS and Michigan Sea Grant are leading ongoing work on spawning reefs. The fish and wildlife habitat BUI is moving forward, but sediment is lagging. The Detroit River Water Festival is coming up and the PAC will have a free lotus tour later this year. The international celebration of the fish tainting BUI removal will be on May 7th at Fighting Island.
- **Deer Lake:** The PAC and the public were very supportive of the successful diversion of a creek out of a nearby mine that was contributing contamination to the AOC. All three BUIs have been removed as of February. The PAC is in the process of having the AOC delisted. The EPA has seen the delisting document and will hopefully be moving on it soon. In their five-year vision for the PAC after delisting, they have agreed to amend their bylaws to become a lake association. Members are excited about the prospect of no longer being an AOC, but still representing Deer Lake.

### **Open Discussion and Next Steps**

#### **Next Meeting**

Deer Lake is the proposed location for the next meeting. Suggested topics for discussion include life after delisting and removing BUIs from areas with Total maximum Daily Loads. Other meeting topic ideas can be sent to Matt Doss ([Mdoss@glc.org](mailto:Mdoss@glc.org)).

#### **Fish Consumption Advisory Materials**

The Michigan Department of Community Health (MDCH) has statewide education and outreach materials for anyone to use. Topics include Eat Safe Fish brochure, Buy Safe Fish brochure, Kids Activity Sheets, Bobbers, Tape Measures, Tattoos, Fishing the [insert waterbody name here] Signs, Area-Specific Brochures, Tainting BUI Fact Sheet, Tumor BUI Fact Sheet, and Fish Consumption BUI Fact Sheet. Potentially additional materials coming soon include Ball Caps, Small Hooks in Matchbook, and Fishing Lure Key Chains. Michelle Bruneau with MDCH is the point of contact for these materials (517-335-8984, [bruneaum@michigan.gov](mailto:bruneaum@michigan.gov)).

They are currently waiting for new testing results before putting together new materials regarding fish consumption. They are also looking for additional money to analyze the Saginaw River/Bay and other AOCs where there have not been assessments completed yet.

**Working with EPA Task Force Leads**

PACs are welcome to invite their TFLs to PAC meetings. PACs are also welcome to ask their TFLs for specific help, such as getting help requesting funding. TFLs have varying levels of expertise, but can help PACs find the right person to address their needs. The TFLs keep each other updated each month.