

Van Buren/Cass District Board of Health

Minutes

10/09/2024

Chairperson Jeremiah Jones called meeting to order at 3 pm at the VBISD Conference Center, 490 So Paw Paw Street, Lawrence MI 49064. Roll call taken. Board members present were: Jeremiah Jones, Tina Leary, Don Hanson, Robert Linderman, Randall Peat and Vicki Vaughn in person and Mary Howie attended virtually.

Employees Present: Danielle Persky, Nancy Desai, Tina Cox, George Friday, Corrinne Taylor and Dr. Larry Wile in person and Jennifer Zordan attended virtually.

Others: Dan DeWitt from West KLA Landfill Group with technical support from Pfizer, Karl Butterer VB/Cass Health Department Attorney, representatives of EPA (Environmental Protection Agency) Michigan's EGLE (Environmental, Great Lakes and Energy), Karen Tan as well as the public directly affected by the proposed groundwater ordinance.

September meeting minutes were reviewed. Discussion of minutes are as follow: Linderman stated he was glad to see that the basement supplies have been cleared out and are going to a good cause. He also inquired about job shadowing. Danielle replied job shadowing involving VoTech dental students is going well. Motioned by Peat, 2nd by Linderman to approve the meeting minutes as written. All voting yes, motion carried.

Danielle requested the agenda be changed to allow our guests to address the proposed changes to our Environmental Health Code. Attorney Karl Butterer introduced himself and stated this is the time and place to have a public meeting regarding the adoption of regulations on the groundwater use restricted zone. The purpose of this public hearing is to describe the proposed regulation to provide some information of the events that led up to this proposed regulation and provide the public with an opportunity to provide data, views and arguments to the proposed regulation and to give the board and the public an opportunity to ask questions. The board will not vote on this until the anticipated November Board meeting, November 13th. This will still not become effective until approved by both the Van Buren and Cass County Commissioners. Attorney Butterer stated the proposed regulations were written with input from West KLA Landfill Group, US Environmental Protection Agency, Public Health Department, Michigan's Great Lakes & Energy Department. Both the federal and state agencies are supportive of the draft ordinance. Copies of the proposed rule were available for those in attendance and are also on the Health Department's website. Attorney Dan DeWitt was introduced. Attorney DeWitt represents the KLA Landfill Group and he had with him technical support from Pfizer and their consulting group.

Dan DeWitt is an Environmental Attorney with Warner Norcross and Judd in Grand Rapids and his specialty is continuing site remediation and he gave a power point presentation on why we are here and to talk about the ordinance. He encouraged those in attendance to ask questions. The presentation included the following topics: Background and Overview of an old landfill in Oshtemo Township and the discovery of groundwater contamination; named a super fund site, an Impermeable Cap installed on top of the landfill and what this cap did was discussed; There was an Aerial Photo of site and Landfill Location. Attorney DeWitt also included in this presentation: Response Activities in Alma Township; Legal; Institutional Controls; Current and Proposed Restricted Zones; Proposed Ordinance; Key Provisions which included: Affected Premises, Appendix Map, Restricted Zone, Prohibition of Wells and Groundwater Use Within a Restricted Zone, Exceptions and Responsibility for Costs explained and West KLA Appendix Map involving 75 properties. Each of these were discussed and reviewed.

Attorney DeWitt also included in his report what the next steps would entail: Consideration and vote by the health department board. If they adopt this ordinance then approval is needed by both Van Buren and Cass County Commissioners. Alma Township is notified and Ordinance becomes effective. The health department will publish a notice of the restricted zone in a newspaper of general circulation within 30 days of passage and will make the appendix map and list of all approved wells publicly available. West KLA Group will work with the property owners to ensure that all wells are clean and safe.

Both Jones and Peat stated that a decision from the County Commissioners could be as late as January 2025. Would like to see this completed by December if possible. Representatives from the EPA also gave a statement on their approval of the changes to the Environmental Health Code.

The public was encouraged to ask questions and make statements throughout this presentation. Some questions and concerns were: What if a home owner doesn't want their well tested; can a property be removed from the restricted zone; what depth is a safe well, is there scientific data available showing migration of the plume, risk taking showers, what if other contaminants were found other than the one they are tracking, will this affect property values, can additional well testing be done by the property owner? One individual expressed her distrust of the government, Pfizer, EPA and explained why. Karen stated she was in agreement with this individual's statement and gave her personal opinion.

A copy of this power point will be available on the health department's website.

Finance Director's Report: Nancy stated there is nothing significant or unusual in the expenditure report. Needed a motion to accept. Motion by Peat, 2nd by Leary to accept the expenditures report. All voting yes, motion carried.

Statement of Revenues and Expenditures report for all grant funds from October 1 2023 through September 30, 2024 was available for board review. She stated this is an unaudited report and once the audit completed this will change.

Administrator/Health Officer written report: Danielle highlighted the renewal of the Veteran Services Dental Grant. Provided over \$56,000 in dental care to 128 Veterans in both counties. If more money is needed will reach out to our Veteran Services. Danielle stated she and Dr. Malsbary are working to determine if we can adjust the program to allow veterans to receive their dental care elsewhere if needed.

Danielle highlighted Community Health report informing the board of a new vending machine provided by Van Buren Great Start Collaborative with free items of family health and self-care items including dental care kits, diapers, wipes, naloxone, feminine hygiene and healthy living children's books. Community Health and Nursing looking at ways to keep this stocked. Will be placed near the front entryway at the Lawrence facility. Funding is provided by the Van Buren Great Start Collaborative and other funding sources.

Nursing and Medical Director's Report: Available in the written report

Dental Report: Available in the written report

Health Promotions: Available in the written report

Environmental Health: Available in the written report.

Other Business: Tina's resignation notice. Danielle informed the board of what is beginning to take place since the recent passing of our IT Administrator Israel Diaz's unexpected death. A consultant will be coming in tomorrow to do a network diagram. Chuck has been great about keeping things running. Several entities have volunteered to help us get through this. VB mental health came in to do a debriefing with staff. Discussed and reviewed.

Danielle informed the board that due to several ongoing issues with our phone system we may need to look at another system. Looking to see what equipment VBISD have and who they work with for telephone services. She stated Lawrence recently had a power outage and there was a disruption in phone service for a couple of days. Working now. Discussed and reviewed.

Public Comment: An individual asked for clarification on how the ordinance will be handled from this point forward. Danielle explained that we currently have an Environmental Health Code and the proposed changes or additions to this code are listed in red text. If this board approves at our November meeting, goes to the Commissioners to decide. If approved the red text becomes black. However, if either board votes no we will have to keep the code as is. Danielle stated that our legal counsel believes the changes to the EH Code would be in our best interest. Discussed and reviewed. If approved, this will be placed on our website or copies will be available in our offices.

Motion by Linderman, 2nd by Hanson to adjourn. All voting yes, motion carried.

The next regular District Board of Health meeting is scheduled Wednesday, November 13th at 3 pm at the Community Center, 302 So Front Street, Dowagiac MI 49047

HPB
Donald A. Hanson

Robert Linder

Luna Lepore

Randall Peat

Vicki H. Vangth

Mary Ann
Board of Health Members