

Local Development Finance Authority (LDFA) Board Minutes

A regular meeting of the LDFA board was held on Wednesday April 23rd, 2025 at City Hall.

Call to Order: Meeting was called to order by Chairman Schichtel at 10:30 AM.

I. Roll Call

Present: Schichtel, Peccia, Warner, Tencza, Hamner, Solomon, Brown, Theobald

Not Present: Kearney

Staff Present: Jeff Dietlin, Owen Roberts, Caitlin Torrey

Charles Barbierri joined via zoom

II. Approval of Agenda

1. Agenda Amended to add acceptance of Emily Kearney's resignation after public comment.

a. Theobald made a motion to approval amended agenda supported by Warner with unanimous approval.

III. Approval of minutes from March 12th meeting

a. Theobald made a motion to approve the minutes from the March 12th meeting. Warner supported with unanimous approval.

IV. Public Comments

a. Art Stevens thanked the board for resolution of support for grant funding. He spoke about private wells in the institutional control area and the well abandonment. He talked about a city ordinance that would give people 60 days to abandon their well. Please see attached a copy of said ordinance.

A. Acceptance of Emily Kearney's resignation

a. Solomon made a motion supported by Theobald with unanimous approval.

V. Review of Old Actions

a. Jeff said that he is still working with the EPA on the well flow project. It should be done 6/1/25. If it is not we can bring that up at the June meeting.

b. Jeff also said that compliance in regards to well abandonment in the Institutional Control Area should be met by 6/1/25. Sixth St home is being torn down. There are new owners. We will take care of the abandonment of the well.

c. Marcus asked to send a letter to the homeowners about the well abandonment.

VI. Groundwater Treatment Plant (GWTP) Operations Update

a. Jeff gave an operations update said we used 68.5 man hours. 60.86 million gallons of water went through the plant. We removed 6.95 lbs. of VOC's. There was no hexavalent chrome detections coming through the carbon filter.

- b. Jeff also spoke about the fact that we sent carbon samples to Desotec they are working on a quote to change out the carbon filter. The initial quote was \$55,000 due to iodine for removing Hexavalent Chrome. We no longer need that, so they came back with a tentative quote of \$21,000 but they are working on a firm number.
- c. Warner asked when the last time was we shipped carbon to them, Jeff said 2004. Warner asked about how the program worked. Jeff explained that we ship to them, and they regenerate it. Then when it is shipped out to you pay the regenerated price.

VII. Update on subcommittee meeting with Geosyntec environmental consulting-introduction meeting for environmental optimization services

- a. Schictel spoke about a future presentation/site visit with Geosyntec. Marcus mentioned that we could also invite the public.

VIII. Update on Cadillac Monitoring Plans, QMP, ICIAP Timing

- a. Jeff spoke that the Quality Monitoring Plan came back with notes from the EPA. PFAS QAAP, VOC's QAAP has been approved by the EPA. EPA would like an inventory/well survey done of the monitoring wells. Staff is working on that. EPA would like confirmation of well abandonment within the Institutional Control Area.

IX. Treasurer's Report

- a. Tenzca said that most things have aligned in the budget. Tax capture is budgeted at 162. New tax capture begins July 1st. New budget starts July 1st.
- b. Owen explained the TIF capture. Starting July 1st we assess the base value and pull taxes based on those for summer taxes. We do the same December 1st for winter taxes on December 1st. Tax collection ends March 1st and disbursement happens in the month of March.

X. Update on Submitted City of Cadillac PFAS Management Grant and Meetings with State Legislators

- a. Schichtel talked about meeting in Lansing with Peccia, and Warner.
- b. Peccia thought the communication of PFAS management Grant was well received. Art Stevens was helpful in getting grant information out to federal partners. It might just take time to obtain funding. If anyone has any leads please share we are following up on everything.
- c. Warner spoke about correspondence with Representative Fox. He is adding the grant request do the 2026 budget. We have an ask in to EGLE for money for Groundwater clean-up.
- d. Theobald attended a conference and spoke to representative John Roth. She said he is very engaged and willing to help.

XI. Public Comment

- a. Bill Barnett invited the LDFA board to the townhall meeting on May 14th. EGLE, MPART, EPA, Health Dept., and City of Cadillac all declined to attend. He asked for the highest level of filter to be put on the LDFA discharge. Asked someone to investigate the Clam River.

XII. Committee Response to Public Comments

- a. Theobald asked about the time of the May 14th townhall meeting
- b. Schichtel thanked Art Stevens and Bill Barnett for their information and spoke about another Townhall that will be on June 27th.

XIII. Committee Comments

- a. Solomon would like to eliminate committee response to public comment. He spoke about a graduate student that received a grant from the Michigan Chapter of the North American Lake Management Society, and the Michigan Lakes and Streams Association to see how PFAS flows from groundwater to lakes and streams. He commented on the past meeting minutes says we are beating a dead horse.
- b. Warner spoke about public comment generally being a one-way discussion. He agrees that it could be included in committee comments. Asked if the graduate student could investigate the Clam River. Would also like to move on from the minutes.
- c. Theobald thanked the public for getting involved. Thanked the board for all of their work. Likes the response to public comments.
- d. Tenzca talked about Cadillac Leadership annually touring the LDFA building.
- e. Hamner asked about discharge data. He thinks the bylaws need to be updated. Suggested a sub-committee to go over this.
- f. Peccia said once the new bylaws are affirmed council will have to ratify them.
- g. Schichtel commented that we have been compliant since October. Wanted to mention that the issue with seeing the spreadsheets online was due to having Apple technology. Said Owen has turned them into PDF's so that should be fixed now.

A. Next meeting is set for May 21st at 10:30 AM informational meeting. LDFA board meeting to follow.

XIV. Theobald adjourned the meeting at 11:40 am supported by Warner with unanimous approval.

DIVISION 6. - INSTITUTIONAL CONTROLS FOR KYSOR INDUSTRIAL CORPORATION/NORTHERNAIRE PLATING COMPANY

Sec. 42-164. - Purpose.

- (a) The purpose of this division is for protecting the public health, welfare and the environment, and for implementing the remedial action plan at the site commonly known as the Kysor Industrial Corporation/Northernair Plating Company Superfund Site.

(Prior Code, § 2.300; Ord. No. 88-07, 5-2-1988; Ord. No. 97-10, § 1, 11-3-1997; Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-165. - Definitions.

- (a) *Contaminated groundwater* means groundwater in which there is present concentrations of materials that exceed drinking water criteria under the Safe Drinking Water Act, 1976 PA 399, as amended, or the residential drinking water criteria established by the MDEQ in the operational memoranda or rules promulgated pursuant to Part 201, Environmental Remediation (MCL 324.20101 *et seq.*).
- (b) *Domestic use* means the use of water by humans for drinking, cooking, food preparation and other food-related services, cleaning, washing, bathing and similar household-type water uses in any dwelling, or in any building in which commercial/business, governmental/public or industrial activities are conducted. The term does not include water used solely for closed-loop heat pumps, non-contact cooling, production and/or processing purposes of commercial or industrial enterprises.
- (c) *Irrigation use* means the use of water for lawn, garden or landscaping irrigation on a residential parcel of land. The term does not include water used for commercial, agricultural, or farm irrigation, except as specifically directed by the MDEQ.
- (d) *MDEQ* means the Michigan Department Of Environmental Quality or its successor agency.
- (e) *Person* means any individual, partnership, corporation, association, club, joint venture, estate, trust, and any other group or combination acting as a unit, and the individuals constituting such group or unit.
- (f) *Restricted zone* means an area or areas described within section 42-166 of this division for which the prohibition of wells and the use of groundwater applies and includes parcels of lands that are legally described in the map attached as exhibit A.
- (g) *Well* means an opening in the surface of the earth for the purpose of removing fresh water through non-mechanical or mechanical means for any purpose other than a public emergency

or conducting response actions that are consistent with the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended ("NREPA"), the Comprehensive Environmental Response, Compensation and Liability Act, 42 USC § 9601 *et seq.*, the Resource Conservation and Recovery Act, 42 USC § 6901 *et seq.*, and other applicable laws.

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-166. - Restricted zone.

The following described area(s) in the city shall be restricted zone(s) under this division. Additional restricted zones may be added by amending this section.

(a) All land located in Township 22 North, Range 9 West, City of Cadillac, Wexford County, Michigan, described as follows:

- (1) The East Quarter (E¼) of the Northwest Quarter (NW¼) of Section 32.
- (2) The Northeast Quarter (NE¼) of Section 32.
- (3) The North Half (N½) of the Southeast Quarter (SE¼) of Section 32.
- (4) The Southwest Quarter (SW¼) of Section 33 lying North and West of the Tuscola-Saginaw Bay Railroad.
- (5) The Northwest Quarter (NW¼) of Section 33, except the following: South of Gunn Street and Seventh Street which is East of the Ann Arbor Railroad; the property lying East of the Pennsylvania Central Railroad; and also commencing as the Point of Beginning at the Southwest corner of Block 179 of the Improvement Board Addition; thence North to the Northwest corner of Block 188; thence East along the North line of Block 188 to the Northwest corner of Block 189; thence East along the North block line, 220 feet; thence South 71 feet; thence East 107.43 feet; thence North 71 feet; thence East 212.83 feet; thence South 16°2'30" East, 331.74 feet; thence South 3°28'30" East, 246.56 feet to the West right-of-way line of the Ann Arbor Railroad; thence Southwesterly along the West right-of-way line of the Ann Arbor Railroad to the Southeast corner of Block 177; thence West along the South line of Block 177 to the centerline of Third Avenue; thence North on the centerline of Third Avenue to the South line of Block 179 and Block 178, if extended; thence West to the Point of Beginning of the Improvement Board Addition, City of Cadillac, Wexford County, Michigan.

Hereafter referred to as the Kysor Industrial Corporation/Northern Plating Company Site (the "Site").

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-167. - Prohibition.

Except as provided in section 42-168, no person shall install or utilize, or allow, permit or provide for the installation or utilization of a well in any restricted zone. Any existing well at the time of the enactment of a restricted zone within the restricted zone shall be plugged/abandoned at the expense of an applicant for that particular restricted zone and as provided for in this division in accordance with applicable laws, regulations and ordinances, unless such existing well falls within one of the exceptions

provided in section 42-168. Except as provided in section 42-168, no person shall use any groundwater from a restricted zone.

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-168. - Exceptions.

A person may install or utilize, or allow, permit or provide for the installation or utilization of a well in any restricted zone if any of the following exceptions apply and the requirements of the exceptions are complied with. The party proposing an exception to the well prohibition shall conduct all appropriate inquiry and prepare a due care analysis pursuant to Part 201 of NREPA:

- (a) *Proof of no influence.* If the MDEQ determines based on information provided to it by the person seeking an exception (1) that the use of a well in the restricted zone will not exacerbate existing groundwater contamination, and (2) that the water from the proposed well will not be affected by contaminated groundwater, the well may be so used. The party proposing the exception shall deliver proof/notice of those determinations to the city prior to well operation.
- (b) *Groundwater monitoring/remediation.* A well may be used for groundwater monitoring and/or remediation as part of a response activity approved by the MDEQ or the United States Environmental Protection Agency (EPA). The party proposing the exception shall deliver proof of the MDEQ or EPA approval to the city prior to well operation.
- (c) *Construction dewatering.* A well may be used for construction dewatering upon approval by the MDEQ if the following conditions are satisfied:
 - (1) The use of the dewatering well will not result in unacceptable exposure to contaminated groundwater, possible cross-contamination between saturated zones, or exacerbation of contaminated groundwater as defined in Part 201 of NREPA; and
 - (2) The water generated by that activity is properly handled and disposed of in compliance with all applicable laws, rules, regulations, permit and license requirements, and orders and directives of any governmental entity or agency of competent jurisdiction.Any exposure, cross-contamination, or exacerbation caused by the use of the well under this exception shall be the responsibility of the person operating the dewatering well as provided in Part 201 of NREPA.

The party proposing the exception shall deliver proof/notice of MDEQ approval to the city prior to well operation.

- (d) *Processing activities.* If the MDEQ determines that the use of a well for non-contact heating, cooling, production, or processing involved in industrial, commercial or residential

activities will not cause migration or exacerbation of contaminated groundwater, such use of the well under terms and conditions specified by the MDEQ will be allowed. All information necessary for the MDEQ determination described in this subsection shall be provided by the person seeking this exception. Upon MDEQ approval, the party proposing the exception shall deliver proof/notice of those MDEQ determinations to the city prior to well operation.

- (e) *Public emergencies.* A well may be used in the event of a public emergency. Notice of such use shall be provided to the MDEQ within a reasonable time thereafter.

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-169. - Enforcement.

The city manager, or his/her designee, shall be the official having the authority to enforce this division. After the effective date of the ordinance from which this division derives, the enforcement official shall contact all owners of restricted zone parcels, which appear to have wells prohibited under this division, giving written notice of the need to cease using such wells and of the need for (1) establishment of a domestic use and/or irrigation use water source by connecting to the city water system or (2) obtaining approval or acknowledgment of an exception under section 42-168. The owner of a restricted zone parcel shall comply with the provisions of this division with regard to the provision of domestic or irrigation use water within 60 days from the date of such notice. Any existing well in violation of this division shall be plugged or abandoned in conformance with applicable legal requirements. Where, upon information available to the enforcement official, it is suspected that a well is being used within the restricted zone in violation of this division, the enforcement official may inspect the restricted zone and serve appropriate notice and order of such violation requiring that action be taken promptly by the owner to bring the restricted zone in compliance. If the owner fails to act in accordance with such order, the enforcement official may seek remedies and penalties as provided in this division including, but not limited to, suspension or revocation of a previously granted exception.

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-170. - Penalties.

Any person who violates any provision of this division shall be liable for a municipal civil infraction under section 38-135 of the city's code. In addition, the city may also seek an order from a court of appropriate jurisdiction requiring compliance with this division and may seek costs and attorney fees associated with such enforcement action. Any violation of this division is a public nuisance, subject to abatement, and any well in violation of this division shall be immediately taken out of service and lawfully abandoned in compliance with applicable legal requirements. A court of competent jurisdiction may

order any person violating any provision of this division to properly and lawfully remove or abandon a well.

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-171. - Administrative liability.

No officer, agent or employee of the city or member of the city council shall render himself or herself personally liable for any damage which may occur to any person as a result of any act or decision performed in the discharge of his or her duties pursuant to this division.

(Ord. No. 2018-10, § 1, 9-4-2018)

Sec. 42-172. - Notice of amendments/repeal.

The MDEQ, an applicant, an owner, or any other interested party may request to add parcels or delete parcels from a restricted zone or to establish an additional restricted zone or to otherwise amend or repeal this division and shall provide 30 days' advance notice to the MDEQ, including the reasons supporting such request. The city, upon 30 days' advance notice to the MDEQ, EPA and any applicant, may also take action to amend or repeal this division as it deems appropriate. The city shall also notify the MDEQ, EPA and any applicant that this division may lapse at least 30 days prior to the ordinance being allowed to lapse.

(Ord. No. 2018-10, § 1, 9-4-2018)

Secs. 42-173—42-181. - Reserved.