

**ANN ARBOR CHARTER TOWNSHIP BOARD OF TRUSTEES
RESOLUTION SUPPORTING A PETITION TO USEPA FOR THE GELMAN
SCIENCES, INC SITE TO BE DESIGNATED AS A USEPA SUPERFUND SITE**

Resolution adopted at a regular meeting of the Ann Arbor Charter Township Board of Trustees held on March 21, 2016

PRESENT: Moran, Basch, DiPietro, Allison, Perry, Kohrs
ABSENT: Sedmak

Resolution proposed by Perry and supported by Kohrs

Whereas, Thousands of residents of Ann Arbor Charter Township, Scio Township, Washtenaw County, and The City of Ann Arbor have been working for more than 20 years to protect the surface waters and ground waters of the State from actual contamination, and the continuing threat of additional contamination, by 1,4-dioxane (dioxane) originating at the PALL Life Sciences, Inc/Gelman Sciences, Inc. Wagner Road facility, now owned by Danaher, and to achieve effective containment and proper treatment of waters already impacted by the contamination;

Whereas, The Michigan Department of Environmental Quality (MDEQ) has not been able to satisfy requests by local governments and community groups for a protective and effective remedy for this dioxane contamination, which continues to spread;

Whereas, For many years the MDEQ has demonstrated lax enforcement of laws intended to protect the State's waters from the dioxane contamination and has dismissed input from local governments and community groups into the cleanup process;

Whereas, The current MDEQ generic residential drinking water cleanup criterion for dioxane was set years ago at 85 parts per billion (ppb) to result in a one-in-a-hundred-thousand (1 in 100,000) additional cancer risk;

Whereas, In 2010, the United States Environmental Protection Agency (USEPA) established a more stringent dioxane carcinogenic slope factor, effectively lowering the USEPA residential drinking water criterion for dioxane to 3.5 ppb for a 1 in 100,000 additional cancer risk;

Whereas, Despite repeated promises and self-imposed deadlines to do so, the MDEQ has not revised the out-of-date Michigan generic residential drinking water cleanup criterion for dioxane to reflect the current dioxane carcinogenic slope factor, and thus MDEQ is applying a dioxane drinking water cleanup criterion which is not protective of public health;

Whereas, the MDEQ has recently proposed a standard of 7.2 ppb, there is no guarantee that this standard will be implemented in a timely fashion and there are concerns that this proposed standard would not adequately protect public health;

Whereas, The MDEQ and PALL Life Sciences, Inc (PLS) have entered into a 1992 Consent Judgment in the Circuit Court for Washtenaw County with the objectives for PLS to: 1) "remove, treat and dispose of contaminated groundwater"; and 2) "contain the plume and extract the contaminated groundwater from the aquifers" related to the Gelman Sciences, Inc – Michigan Part 201 Contaminated Site (Gelman Site) while protecting public health and the natural resources of the State;

Whereas, The Gelman Site dioxane plume currently is at least four miles long and one mile wide and continues to expand with no effective off-site hydraulic control;

Whereas, The MDEQ has not been able to secure in court a Gelman Site remedy which is consistent with the Consent Judgment objectives or protective of public health and the State's natural resources;

Whereas, Since the Consent Judgment was entered, the MDEQ has fostered a groundwater remedy at the Gelman Site that does not employ current remedial technologies to contain or eliminate the off-site spread of the dioxane plume into pristine natural resources;

Whereas, Since the Consent Judgment was entered, the MDEQ has fostered a groundwater remedy at the Gelman Site which has allowed and will allow the dioxane plume to migrate into individual residential wells supplying drinking water for hundreds of people;

Whereas, Under MDEQ management the establishment of a Prohibition Zone has been implemented instead of active groundwater extraction and treatment, thereby, manifesting a "dilution is the solution to pollution" remedy which allows the dioxane plume to expand and further degrade the State's groundwater resources;

Whereas, The MDEQ did not obtain in court a requirement that PLS pay for a Residential Well Sampling Program to protect residential wells immediately down-gradient of the dioxane plume, thereby, leaving individual homeowners to test their wells for dioxane;

Whereas, The MDEQ has not been able to obtain a Contingency Plan for The City of Ann Arbor drinking water supply in the possible event that the dioxane plume reaches Barton Pond, which supplies 85% of the City drinking water;

Whereas, The MDEQ has been unable to obtain in court a monitoring well network that is capable of observing the extent and magnitude of the dioxane plume or predicting with sufficient accuracy the areas, direction and rate of expansion of the dioxane plume;

Whereas, The MDEQ has not obtained a PLS Quality Assurance Project Plan, that would establish basic laboratory quality assurance and quality control measures to ensure high quality analytical data, or that would require that PLS use state-of-the-art dioxane analytical methods and procedures;

Whereas, The MDEQ has not provided proper oversight of PLS as required in the Consent Judgment and has not enforced the Consent Judgment requirements in court against PLS;

Whereas, The MDEQ has not been able to obtain normal Consent Judgment terms and conditions in court favorable to MDEQ and the community;

Whereas, The USEPA Superfund Program has a proven track record of obtaining Administrative Orders which require Potentially Responsible Parties (PRPs) to protect the public health and the natural resources with the PRPs conducting and paying for the remediation under USEPA oversight;

Whereas, The USEPA can issue a federal Administrative Order under the Comprehensive Environmental Response, Compensation, and Liability Act (aka Superfund Act) to PLS with favorable USEPA terms and conditions for the proper remediation of the Gelman Site;

Whereas, The USEPA uses the best science to establish a dioxane residential drinking water criterion which is protective of public health and the environment;

Whereas, The USEPA will require effective off-site groundwater extraction and treatment to contain and eliminate the dioxane plume;

Whereas, The USEPA will require a monitoring well network that will establish the full extent and magnitude of the dioxane plume;

Whereas, The USEPA will require that PLS pay for residential well sampling and dioxane analysis at homes immediately down-gradient of the dioxane plume;

Whereas, The USEPA will require the use of state-of-the-art dioxane analytical methods and protocols;

Whereas, The USEPA has the technical, administrative and legal resources to provide high quality oversight of PLS in the remediation of the Gelman Site and the backing of the US Department of Justice and USEPA Regional Counsel to enforce the Administrative Order;

Whereas, The USEPA offers Community Grants to support public input into the Superfund Site cleanup process; and

Whereas, The MDEQ's continuing delays and mismanagement of this vast groundwater contamination plume has caused significant adverse impacts to the community.

NOW, THEREFORE, IT IS RESOLVED, That the Ann Arbor Charter Township Board of Trustees supports a petition to the USEPA for the Gelman Site to be designated as a USEPA Superfund Site under the Comprehensive Environmental Response, Compensation, and Liability Act and that the USEPA be the lead agency;

RESOLVED, That the Ann Arbor Charter Township Board of Trustees authorizes its Supervisor to support a petition to USEPA to designate the Gelman Site as a USEPA Superfund Site; and

RESOLVED, That a copy of this resolution be sent to the Washtenaw County Board of Commissioners and its delegation to the Michigan Legislature, the Governor of the State of Michigan, the Director of the Michigan Department of Environmental Quality, Congresswoman Debbie Dingell, Michigan's U.S. Senators Debbie Stabenow and Gary Peters, and the City of Ann Arbor City Council.

AYES: Perry, Kohrs, Moran, Basch, DiPietro, Allison


NAYES: None

RESOLUTION DECLARED ADOPTED.



Michael Moran, Township Supervisor

I certify that the foregoing is a true and complete copy of a resolution adopted by the Ann Arbor Charter Township Board, County of Washtenaw, State of Michigan, at a regular meeting held on March 21, 2016 that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act, being Act 267, Public Acts of Michigan, 1976, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.



3/22/16
date

Rena Basch, Township Clerk