



City of Ann Arbor

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Ann Arbor, MI 48104
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Resolution: R-20-425

File Number: 19-1887

Enactment Number: R-20-425

Resolution Supporting the Environmental Protection Agency's Active Involvement with the Gelman Site and Encouraging its Listing of the same as a "Superfund" Site

Whereas, The City and its residents have worked for decades to require Gelman to delineate, and clean up City ground water contaminated by 1,4-dioxane ("Dioxane") that originated at the Gelman Sciences ("Gelman") Wagner Road facility (the "Contamination"), and to protect City ground water from further spreading of the Contamination;

Whereas, As part of that work, The City sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit;

Whereas, The State of Michigan ("State") has for decades separately litigated against, and otherwise regulated, Gelman to enforce State environmental laws that apply to the Contamination;

Whereas, Following the State's recent tightening of its standards for Dioxane groundwater pollution, as part of the City's continuing efforts, it, along with others, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court;

Whereas, Since its intervention was allowed in 2017, the City has engaged in settlement negotiations over a potential new consent judgment;

Whereas, Negotiations aside, the City is not satisfied with the progress of the delineation, containment and remediation of the Contamination;

Whereas, City Council directs the City Administrator to continue the fourth consent judgment negotiation process; and

Whereas, The City believes that delineation, containment and remediation of the Contamination will be bolstered by the United States Environmental Protection Agency's ("EPA") active involvement and enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), the "Superfund" Act, as it applies to the Contamination;

RESOLVED, That the City Council supports EPA's active involvement, as the lead agency, and enforcement of CERCLA, the "Superfund" Act, as it applies to the Contamination;

RESOLVED, That the City Council encourages the EPA to list the site of the Contamination a "Superfund" site on the National Priorities List under CERCLA;

RESOLVED, That the City Council direct the City Administrator to write to the Governor enclosing this resolution and soliciting a Concurrence Letter to USEPA in support of making the Gelman Site into a National Priorities List site;

RESOLVED, That the City Council direct the City Administrator to send this resolution and any such State concurrence to the Washtenaw County delegation to the Michigan Legislature, the Director of the Michigan Department of Environment, Great Lakes, and Energy, and Congresswoman Debbie Dingell; and

RESOLVED, That the City Council authorize the City Administrator to take such further actions that are consistent with the purposes of this resolution.

Sponsored by: Councilmembers Griswold, Hayner, Bannister, Eaton and Ramlawi

As Amended and Approved by Ann Arbor City Council on November 5, 2020

I, Jacqueline Beaudry, Clerk of the City of Ann Arbor, Michigan, certify that this is a true copy of Resolution R-20-425, passed by the Ann Arbor City Council on 11/5/2020.

Attest:



Steve Gerhart

December 04, 2020

Date Certified