



QUARTERLY
UPDATE

GELMAN PLUME *and*
1,4-Dioxane

Settlement Update

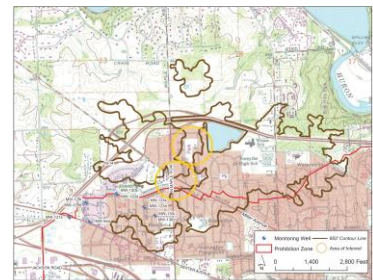
From approximately the spring of 2017 until the fall of 2020, a proposed fourth amendment to and restatement of the Consent Judgement was under negotiation between Gelman, EGLE, the City of Ann Arbor, Washtenaw County and its Health Department, Scio Township and the Huron River Watershed Council (The Intervenors).

- On April 12, 2021, the director of EGLE sent a letter requesting that EPA reinstate assessment of the Gelman site for the National Priorities Listing (NPL) process. The EPA selected Weston Solutions for the NPL assessment process who has begun the process of hazard ranking.
- EPA updates regarding the Gelman site can now be found on the EPA’s website at: <https://www.epa.gov/mi/gelman-sciences> and the ‘frequently asked questions’ for the Gelman site is: <https://www.epa.gov/mi/gelman-science-frequently-asked-questions-0>
- On May 3, 2021, Judge Connors held an evidentiary hearing regarding the Gelman plume cleanup. As a result of the hearing and based on the legal briefs and technical reports that the parties filed in advance of the hearing, the judge ordered Gelman to implement the requirements in the proposed fourth amended consent judgment that had been made public after the negotiations concluded in the fall of 2020 (“Response Activity Order”).
- Gelman filed a motion to partially stay the Response Activity Order pending appeal, which Judge Connors denied. Gelman then filed both a claim of appeal and an application for leave to appeal the Response Activity Order. On June 29, 2021, Court of Appeals Judge Christopher Murray dismissed the claim of appeal, deciding that the Response Activity Order does not constitute a final order and that Gelman has no direct right of appeal.
- On July 26, 2021, the Court of Appeals granted Gelman’s application for leave to appeal, meaning that the Court of Appeals is going to consider the merits of Gelman’s challenge to the Response Activity Order. The Court of Appeals also granted Gelman’s Motion for Partial Stay of Proceedings Pending Appeal which stayed the quarterly hearings that Judge Connors had scheduled but did not stay the requirement that Gelman immediately implement the response activities in the proposed 4th amended consent judgment, or the provision of the Response Activity Order stating that Intervenors retain their status in the case.
- Implementation of the 4th Consent Judgment is ongoing (see EGLE/CARD for updates).
- On June 2, 2022, the Intervenors filed a Motion for Entry of an Order to Show Cause Concerning Implementation of Response Activity Order. This motion asked Judge Connors to order Gelman to explain why it had not immediately implemented and conducted all requirements and activities stated in the Proposed Fourth Amended and Restated Consent Judgment, but Judge Connors declined to rule on the motion.
- On June 29, 2022, the Intervenors filed a similar motion in the Court of Appeals asking it to direct Judge Connors to rule on the Intervenors’ Motion he declined to rule on.
- On July 7, 2022, the Court of Appeals heard oral arguments from all parties on Gelman’s appeal, but no opinion has been issued.

Sentinel Well Installation and Wet Basement Testing for 1,4 Dioxane Update

Sentinel Well Installation - The City will be installing sentinel monitoring wells in the fall of 2022. The City is engaging in a bid process to obtain a drilling subcontractor and is currently reviewing bids. The sentinel monitoring wells will be located near N. Maple Road and Sequoia Parkway and Garden Homes Park.

Wet Basement Sampling - In September 2020, the City provided details of the wet basement testing for 1,4-dioxane in a presentation that served as the project kickoff. One basement was sampled in the second quarter of 2022 and the results of the 1,4-dioxane sample were non-detect. The City is ending the basement sampling, with no detections of 1,4-dioxane in the basements that were sampled. Additional details on the program can be found on the City of Ann Arbor’s website: <https://www.a2gov.org/departments/water-treatment/Pages/1,4-Dioxane-Wet-Basement-Testing-.aspx>



Agency Updates

EGLE / CARD

- CARD meetings were held on April 5, May 3, June 7 and July 5, 2022. All meetings were held virtually through Zoom. Additional personnel from EGLE were present for the June meeting.
- EGLE has completed their review of the monitoring well trend analysis. They will finalize their review after direction of response activities as defined by the court.
- In accordance with the 4th Amended Consent Judgement, EGLE reported that Gelman is working on the following activities:
 - The eastern area GSI work plan is under review. Re-sampling of surface water in West Park and Third Sister Lake. Results are posted on [EGLE's dedicated webpage](#).
 - Test borings were installed to evaluate the Rose Area extraction well that will be piped to the existing infrastructure and treated at the Gelman facility.
 - The National Pollutant Discharge Elimination System (NPDES) permit application was submitted to EGLE for review. This permit is necessary to discharge to First Sister Lake. There will be a public comment period after the EGLE's review.
 - Two of the three onsite extraction wells were installed in the source area.
 - The trees for phytoremediation, have been planted in the former pond areas on Gelman's property. Trees will be planted in the marshy area over the winter due to site conditions.
 - Work has begun in the former burn pit area on Gelman's property, where the heated soil vapor extraction system will be installed to treat the soil. Utilities are currently being moved out of the area.
- Washtenaw County Health Department has completed over 170 residential well samples in 2022 with an additional sampling event scheduled for August.
- Scio Township completed a third round of residential sampling in May 2022 due to concerns around the movement of the 1,4-dioxane plume north of M-14. Low level detections of 1,4-dioxane in eight additional residential wells north of M-14 were identified. All concentrations detected were at levels between 0.26 and 1 ppb. Scio Township is planning to complete a fourth round of additional residential sampling in this area.
- The next scheduled meeting will be held on August 2, 2022, at 6PM via Zoom.

MS4 PERMIT

- Concentrations of 1,4-dioxane entering the Allen Creek Drain stormwater system have significantly increased since 2017 surrounding West Park area. One location has increased from 4.4 ppb in 2017 to 49 ppb in sampling completed during the fall of 2020.
- The Allen Creek Drain stormwater system is part of Washtenaw County's Municipal Separate Storm Sewer System (MS4).
- Based on the 'corrective action required' notice sent by the Washtenaw County Water Resources Commission Office (WCWRC) to Gelman for increased concentrations of 1,4-dioxane in the Allen Creek Drain stormwater system, Gelman submitted a work plan on April 15, 2021, for sampling. EGLE and WCWRC reviewed the work plan, provided feedback to Gelman and requested an updated work plan. A revised workplan has been re-submitted to EGLE for review as a Groundwater to Surface Water Interface (GSI) issue rather than an MS4 issue. EGLE staff are completing a technical review of the work plan. After the technical review is complete, EGLE will meet with Gelman to discuss the issues of the GSI and MS4 violation. A meeting is expected in July.

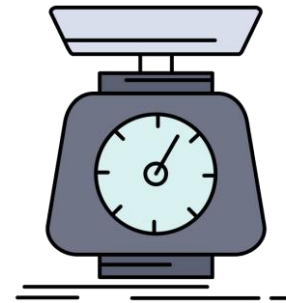
NPDES PERMIT

- EGLE is reviewing the NPDES permit application that was submitted for Gelman's current system on April 4, 2019.
- EGLE is nearing completion of the permit review. Once the review is complete, draft comments will be provided to Gelman. After Gelman's review the proposed permit will be made available for public review and EGLE will hold a public hearing on the permit application.
- A second NPDES permit application was submitted by Gelman in June 2022 for discharging treated groundwater from a new Park Lake extraction well, using a portable treatment system, to First Sister Lake. This permit application is currently being evaluated by EGLE.

Pall Groundwater Treatment Updates

Total Volume of Groundwater Treated
March – May 2022

79,730,688 gallons



**Mass of
1,4 Dioxane Removed**

March: 97.04 lbs
April: 102.05 lbs
May 108.96 lbs
Total: 3087.05 lbs

The mass calculations were determined from the NPDES monthly discharge reports using the maximum daily influent concentration and maximum daily effluent concentrations.

The volume was calculated from the average monthly flows in the monthly discharge report.

**Next Quarterly
Report Due
October 2022**

- CARD Updates
- NPDES Permitting Progress
- Settlement Update
- MS 4 Permit / Allen Creek Drain Sampling