



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

April 12, 2021

VIA E-MAIL

Ms. Cheryl L. Newton, Acting Regional Administrator
United States Environmental Protection Agency
Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3507

Dear Ms. Newton:

SUBJECT: Gelman Sciences, Inc. (Gelman), Site; Washtenaw County, Michigan;
USEPA ID No. MID005341813

Enclosed are letters received from, and resolutions by, the city of Ann Arbor, Washtenaw County, and Scio Township seeking listing by the United States Environmental Protection Agency (USEPA) of the Gelman site of contamination in Washtenaw County, Michigan, on the National Priorities List (NPL). As requested by the communities, please reinstate assessment of the site for the NPL listing process.

The Michigan Department of Environment, Great Lakes, and Energy (EGLE) will work closely with the USEPA and will also ensure that the current remedy continues to protect human health and remains in compliance with Michigan law during the NPL listing process.

If you need further information or assistance, please contact Mr. Mike Neller, Director, Remediation and Redevelopment Division, at 517-512-5859; NellerM@Michigan.gov; or EGLE, P.O. Box 30426, Lansing, Michigan 48909-7926; or you may contact me.

Sincerely,

Liesl Eichler Clark
Director
517-284-6700

Enclosures

cc/enc: Mr. Doug E. Ballotti, USEPA, Region 5
Mr. Matt Ohl, USEPA, Region 5
Ms. Patricia Readinger, Governor's Washington, DC, Office
Mr. Aaron B. Keatley, Chief Deputy Director, EGLE
Mr. Mike Neller, EGLE
Mr. Josh Mosher, EGLE
Mr. David Kline, EGLE
Mr. Dan Hamel, EGLE
Ms. Cyndi Mollenhour, EGLE



City of Ann Arbor
City Administrator's Office
301 E. Huron Street, PO Box 8647
Ann Arbor, MI 48107-8647
734-794-6110 x41101

Governor Gretchen Whitmer
P.O. Box 30013
Lansing, MI 48909

Re: *City of Ann Arbor Resolution Requesting Referral of Gelman Life Sciences, Inc. Site to the United States Environmental Protection Agency*

Dear Governor Whitmer:

Enclosed please find Resolution [#R-20-425](#) approved by the Ann Arbor City Council on November 5, 2020.

As directed by the Resolution, this letter requests you send a Concurrence Letter to the United States Environmental Protection Agency in support of listing and proceeding with the Gelman Life Sciences, Inc., site (currently a Michigan Part 201 site) as a Superfund site on the National Priorities List, as set out more specifically in the Resolution. The City also is continuing as a participant in the Washtenaw County Circuit Court litigation (*Attorney General v. Gelman Sciences, Inc., Case No. 88-34734-CE*).

Sincerely,

Tom Crawford
City Administrator

Enclosure

cc: Ann Arbor Mayor and City Council



City of Ann Arbor

301 E. Huron St.
Ann Arbor, MI 48104
<http://a2gov.legistar.com/Calendar.aspx>

Certified Copy

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;

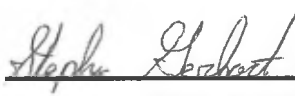
RESOLVED, That the City Council direct the City Administrator to send this resolution and any such State concurrence to the Washtenaw County delegation to the Michigan Legislature, the Director of the Michigan Department of Environment, Great Lakes, and Energy, and Congresswoman Debbie Dingell; and

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



COUNTY ADMINISTRATOR

220 North Main Street, PO Box 8645 • Ann Arbor, Michigan • 48107-8645

December 11, 2020

To: Gretchen Whitmer
Governor of the State of Michigan

From: Gregory Dill
County Administrator, Washtenaw County, Michigan

Re: Adding the Gelman Sciences, Inc., 1, 4 Dioxane contamination site to the EPA's
National Priorities List

Dear Governor Whitmer,

As the County Administrator for Washtenaw County, I write on behalf of the Board of Commissioners to request your support and concurrence in nominating and taking all other steps necessary to add the Gelman Sciences, Inc., 1, 4 Dioxane contamination site ("Gelman Site") located in Washtenaw County to the EPA's National Priorities List ("NPL"). As you know, the NPL is a list of national priorities among the known releases or threatened releases of hazardous substances, pollutants, or contaminants in the United States. This NPL process is authorized by the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA") which is more commonly referenced to as Superfund.

Washtenaw County is asking you to nominate and support the Gelman Site as a candidate for the NPL process through a letter of concurrence to the EPA. This will allow the public notice / Federal Register process to start, with the ultimate goal being to compel Gelman Sciences, Inc. to engage in a more robust remedial action cleanup process of the Site as allowed by CERCLA. The County believes the Gelman Site already technically qualifies for the NPL based on a prior score under the Hazardous Ranking System. The County also believes the Gelman Site poses a significant threat to human health and the environment and otherwise constitutes an imminent and substantial endangerment to the public health and welfare and the environment due to the release of pollutant(s) into the groundwater at the Gelman Site.

At this time, and notwithstanding considerable efforts by the County and other communities/members of the impacted public over many years, the County asserts that the US EPA is best positioned to address the Gelman Site and to ensure that the contamination at the Gelman Site is fully delineated, contained and remediated in accordance with the various provisions and regulations under CERCLA. Your concurrence in this matter would be of

immense value to the residents of Washtenaw County. The County's resolution authorizing this measure is attached for your review. Please advise if your Office requires further information.

Thank you for your consideration.

Sincerely,

Greg Dill

Gregory Dill
County Administrator
Washtenaw County, Michigan

WASHTENAW COUNTY BOARD OF COMMISSIONERS
RESOLUTION SUPPORTING THE UNITED STATES ENVIRONMENTAL
PROTECTION AGENCY (USEPA) DESIGNATION OF THE GELMAN SCEINCES, INC.
SITE AS A USEPA SUPERFUND SITE & GOVERNOR CONCURRENCE LETTER TO
USEPA FOR A GELMAN SCIENCES, INC. SUPERFUND SITE

WASHTENAW COUNTY BOARD OF COMMISSIONERS

December 2, 2020

Sponsored by: Commissioner Morgan

WHEREAS, the County 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; and

WHEREAS, as part of that work, the City of Ann Arbor sued Gelman in state and federal court more than 10 years ago, and ultimately agreed to settle that lawsuit; and

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; and

WHEREAS, following the State's tightening of its standards for Dioxane groundwater pollution, as part of the County's continuing efforts, it, along with the City of Ann Arbor, Scio Township, the Huron River Watershed Council, intervened in the State's ongoing lawsuit against Gelman pending in Washtenaw County Trial Court; and

WHEREAS, since its intervention, the County has engaged in settlement negotiations over a potential new consent judgment; and

WHEREAS, negotiations aside, the County is not satisfied with the progress of the delineation, containment and remediation of the Contamination; and

WHEREAS, the County recognizes that the Contamination poses a long-term threat to public health and the security of the City of Ann Arbor municipal water system; and

WHEREAS, in 2017 the United States Environmental Protection Agency (USEPA) completed the Preliminary Assessment and indicated that the Gelman Site was eligible for the National Priorities List (NPL) but a State Concurrence Letter was required to continue the NPL designation process; and

WHEREAS, Washtenaw County believes that delineation, containment and remediation of the Contamination will be bolstered by the USEPA active involvement and

enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the "Superfund" Act, as it applies to the Contamination.

NOW THEREFORE BE IT RESOLVED that the Washtenaw County Board of Commissioners supports USEPA active involvement, as the lead agency, and enforcement of CERCLA, the "Superfund" Act, as it applies to the Contamination;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners ask the USEPA to list the Gelman Site a "Superfund" Site on the National Priorities List under CERCLA;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners directs the County 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;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners direct the County 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

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners authorize the County Administrator to take such further actions that are consistent with the purposes of this resolution.

COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A	COMMISSIONER	Y	N	A
Beeman	X			LaBarre	X			Shink	X		
Brabec	X			Maciejewski	X						
Jamnick	X			Morgan	X						
Jefferson	X			Scott	X						

CLERK/REGISTER'S CERTIFICATE - CERTIFIED COPY

ROLL CALL VOTE: 9 0 0

STATE OF MICHIGAN)

I, Lawrence Kestenbaum, Clerk/Register of said County of Washtenaw and Clerk of Circuit Court for said County, do hereby certify that the foregoing is a true and accurate copy of a resolution adopted by the Washtenaw County Board of Commissioners at a session held at the County Administration Building in the City of Ann Arbor, Michigan, on December 2, 2020, as it appears of record in my office.

COUNTY OF WASHTENAW)ss.

In Testimony Whereof, I have hereunto set my hand and affixed the seal of said Court at Ann Arbor, this 3rd day of December, 2020.

LAWRENCE KESTENBAUM, Clerk/Register

BY: *Patricia K. ...*

Deputy Clerk



Res. No. 20-205

*Will Hathaway, Supervisor
Jessica Flintoft, Clerk
Donna E. Palmer, Treasurer*

Township of Scio

*Trustees: Jacqueline Courteau
Alec Jerome
Kathleen Knol
Jane Vogel*

December 9, 2020

Dear Governor Whitmer,

I am writing on behalf of Scio Township to request your support for the designation of the Gelman Sciences, Inc. site located in Scio Township, Michigan (Gelman Site) as a United States Environmental Protection Agency (USEPA) National Priorities List Site, commonly called a USEPA Superfund Site.

Based upon the USEPA 2017 Preliminary Assessment conducted on the Gelman Site, the Gelman Site qualifies as a USEPA National Priorities List (NPL) Site. We request that you provide a Concurrence Letter to USEPA supporting the continuance of the designation process for inclusion of the Gelman Site as a NPL Site.

Previous investigative work has established that the Gelman Site has already contaminated an approximately four-mile by one-mile area of the local aquifer with 1,4-dioxane (dioxane). The dioxane contamination is a threat to a public potable water supply; private residential water wells; residential buildings from vapor intrusion; and the natural resources. This dioxane pollution presents an imminent and substantial endangerment to public health and the environment.

The communities have worked with the Michigan Department of Environment, Great Lakes and Energy and Gelman through a 1992 Consent Judgment to obtain a protective remedy for this site. However, Gelman has refused to perform work that will protect the public health and the environment from the release and migration of dioxane, which USEPA has categorized as a probable human carcinogen. The proposed August 2020 Fourth Amended Consent Judgment has been rejected by Scio Township and other local communities as not sufficient to protect the lives, homes and environment, see attached Resolution. **The County of Washtenaw, City of Ann Arbor, Ann Arbor Charter Township and Scio Township are now in agreement that placing the Gelman Site on the NPL is the most viable mechanism to address the environmental risks posed to the community by the Gelman contamination.**

Thank you.

Sincerely,


William Hathaway

Supervisor – Scio Township

Enclosure

**827 N. Zeeb Road • Ann Arbor, MI 48103
734/369-9400 • 734/665-0825 Fax
www.ScioTownship.org**

**Scio Township Board Of Trustees
Resolution Rejecting The 4th Amended Consent Judgment And
Renewing The Petition For the Gelman Sciences, Inc. Site
To Be Designated As A USEPA Superfund Site**

Whereas, From 1966 and continuing into the 1980s, Gelman Sciences, Inc. (Gelman), generated many tons of 1,4-dioxane as a waste material of its production process at its plant located in Scio Township and, through various means, dumped this hazardous chemical into the natural environment where it contaminated the surface and groundwaters of the State; and

Whereas, Members of the public and environmental advocates have worked for decades to document the problem and seek State of Michigan action to require Gelman to clean up its toxic pollution, but Gelman has evaded responsibility by repeatedly concealing the extent of the contamination, opting for less-effective clean-up methods, and using legal strategies to delay and thereby allow the plume of 1,4-dioxane pollution to spread through the groundwater, contaminating wells and potentially intruding into residential basements; and

Whereas, The State of Michigan has for decades litigated against and attempted to regulate Gelman to enforce the State of Michigan environmental laws, but the dioxane plume continues to spread in multiple directions and toward the Huron River; and

Whereas, Scio Township, Ann Arbor Charter Township, and the Sierra Club joined together in 2016 to petition for action by the United States Environmental Protection Agency (USEPA) to designate the Gelman site a Superfund site; and

Whereas, The Scio Township official position supporting the designation of Gelman site as a USEPA Superfund site was approved by a unanimous vote of the board of trustees on June 14, 2016, and remains in effect; and

Whereas, Scio Township intervened, together with others, in the State's ongoing lawsuit against Gelman pending in Washtenaw County Circuit Court; and

Whereas, Settlement negotiations have occurred since 2017, with Scio Township's participation, toward a new consent judgment that would result in better cleanup of the contamination; and

Whereas, Scio Township is dissatisfied with progress on the delineation, containment and remediation of the contamination under the current third or proposed fourth consent judgment; and

Whereas, The USEPA completed the Preliminary Assessment in 2017 and indicated that the Gelman Site was eligible for the National Priorities List (NPL) but a State Concurrence Letter was required to continue the NPL designation process; and

Whereas, The delineation, containment and remediation of the contamination will be bolstered by USEPA's active involvement and enforcement of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the "Superfund" Act, as it applies to the contamination.

Whereas, This renewal of Scio Township's 2016 petition for involvement by USEPA does not preclude simultaneous efforts to obtain a thorough clean-up either through negotiations or a court-ordered ruling from the Washtenaw County Circuit Court;

Resolved, That the Scio Township Board of Trustees rejects the fourth amended consent judgment based on the following specific areas of concern raised by members of the public and asks that the Washtenaw County Circuit Court consider these items as it formulates a new plan for remediation of the Gelman site:

1. Revise the 500 ppb standard for termination of extraction wells to a lower standard of continuing to pump and treat as long as mass removal is still occurring.
2. Make explicit the right of the Intervenors to participate in the NPDES permitting process, including the process for any required wetland permits.
3. Do NOT allow the discharge of treated wastewater to First Sister Lake, instead require alternative discharge sites for any water pumped and treated from the Parklake well, either by piping back to the Gelman site or piping to a site east of the Ann Arbor water intakes unless treated to non-detect and in quantities not to exceed 500 gallons a day.
4. Prohibit the expansion of the Prohibition Zone beyond the boundaries established in the third amended consent judgement.
5. Re-establish the Maple Road Containment Objective with the new generic GSI of 280 ppb
6. Re-establish the Little Lake Area System Non-expansion Objective and operation of the Ann Arbor Cleaning Supply Well.
7. Require that Gelman and EGLE perform Method 522 dioxane analytical analysis on all drinking water wells, Sentinel Wells and Compliance Wells samples.
8. Lower the trigger levels for all the delineation/sentinel wells in the Western Area and along the northern boundary of the Prohibition Zone from 7.2 ppb to a level half of the whatever the current State drinking water standard is, to ensure that remedial action takes effect before the measured level exceeds the allowable amount.
9. Require Gelman to conduct quarterly surface water sampling of all the Allen Creek storm water drains east of Maple Road, Honey Creek, First Sister Lake, etc.
10. Establish metrics/standards for the phytoremediation in the source area. For example, specify what action would be triggered if plant detritus is found to contain dioxane rather than to have dispersed it. State how long the phytoremediation will last, how it will be maintained, and under what conditions it will be discontinued.
11. Mandate additional monitoring wells for delineation, particularly toward Barton Pond so that expansion of the contamination plume will be detected well before it reaches Barton Pond, whatever direction it is traveling.
12. Make the three optional extraction wells in the source area mandatory for a total of 6 extraction wells.

13. Perform a Remedial Design Investigation across the plume area to determine how many extraction wells are required and at what pumping rate to control and capture the dioxane groundwater plume.

14. Locate enough additional Sentinel and Compliance Wells along the northern boundary of the Prohibition Zone, east of Maple Road and across M-14 in the northwestern area near the Wagner Road and Dexter/Ann Arbor Road intersection to ensure that expansion of the contamination plume won't escape detection.

15. Require that the Municipal Water Connection Contingency Plan provide a private land owner with a municipal water supply when the dioxane concentration reaches one-half of the drinking water criterion.

16. Do not permit Gelman to apply a Mixing Zone-Based GSI to attain compliance with the GSI Objective.

17. Change the definition of GSI to the new 280 ug/L dioxane from the old 2,800 ug/L dioxane without placing any preconditions such as the omission of the Maple Road Containment Objective.

18. Require that Gelman provide public, Quarterly Reports including: analytical trends; compliance with CJ objectives and criteria; compliance with Verification Plans, Monitoring Plans, and Down-gradient Investigations; discussion of quarterly analytical results and protocols; extraction system requirement compliance; plume migration compliance; and recommendations for follow-up actions.

19. Protect the ongoing rights of local government to intervene in court processes related to the Gelman contamination so that they can effectively advocate on behalf of the health and safety of their residents.

Resolved, That the Scio Township Board of Trustees supports USEPA active involvement, as the lead agency, and enforcement of CERCLA, the "Superfund" Act, as it applies to the contamination;

Resolved, That the Scio Township Board of Trustees reaffirms its request the USEPA to list the Gelman Site a "Superfund" Site on the National Priorities List under CERCLA;

Resolved, That the Scio Township Board of Trustees authorizes the Township Supervisor 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 Scio Township Board of Trustees authorizes the Township Clerk 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 Scio Township Board of Trustees authorizes the Supervisor to take such further actions that are consistent with the purposes of this resolution.

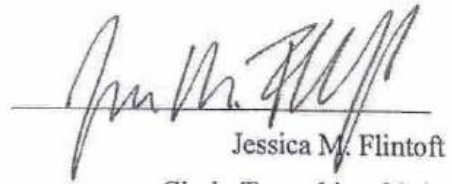
The foregoing preamble and resolution were offered by Trustee Kathleen Knol, and supported by Trustee Jacqueline Courteau at the Regular Meeting of the Board of Trustees, Township of Scio, County of Washtenaw, State of Michigan, at the Regular Meeting held remotely at 7:00 p.m. on Tuesday, December 8, 2020.

ROLL CALL VOTE:

Ayes: Supervisor William Hathaway, Treasurer Donna E. Palmer, Trustee Jacqueline Courteau, Trustee Alec Jerome, Trustee Kathleen Knol, Trustee Jane Vogel.

Nays: Clerk Jessica M. Flintoft.

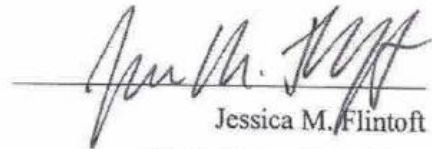
RESOLUTION DECLARED ADOPTED.


Jessica M. Flintoft
Clerk, Township of Scio

CERTIFICATE

I hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Board of Trustees, of the Township of Scio, County of Washtenaw, State of Michigan, at the Regular Meeting held remotely at 7:00 p.m. on Tuesday, December 8, 2020, and that said meeting was conducted and public notice of said meeting was given pursuant to and in full compliance with the Open Meetings Act No. 267, Public Acts of Michigan, 1976, as amended, and that the minutes of said meeting were kept and will be or have been made available as required by said Act.

Dated: December 9, 2020

A handwritten signature in black ink, appearing to read "Jessica M. Flintoft", is written over a horizontal line.

Jessica M. Flintoft
Clerk, Township of Scio