

DRAFT resolution on the 4th Consent Judgement Negotiated for Groundwater Remediation of the Gelman 1,4-dioxane plume.

drafted by SCBrown Sept. 29, 2020

WHEREAS, The 1,4-dioxane groundwater plume continues advancing down Allen Creek drain and toward the Huron River and Barton Pond, 85% the City's drinking water supply.

WHEREAS, the Court has released for public inspection details of a proposed 4th amendment to the Consent Judgement

WHEREAS, The ineffectual *in situ* dilution and dispersion mitigation strategy is permitted to continue, rather than implementation of a more aggressive clean-up strategy.

WHEREAS, Treated water would be discharged into First Sister Lake -- one of two natural lakes in the city-- in the absence of effective studies of the impact on the health of the lake. The 200 gallons per minute volume of the Gelman wastewater discharge will likely harm the wetland, or pollute the Honey Creek drainage. This volume equates to a 100-year rain event entering the lake every day.

WHEREAS, There are no hydrology studies nor contingency plans for either contamination or flooding risks to private properties adjacent to First Sister Lake and its drainage to Honey Creek

WHEREAS, under 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 City of Ann Arbor would be required to restrict legal remedies currently available to them are troubling, especially their liberty to request Superfund status and involve the Environmental Protection Agency..

RESOLVED, That the Ann Arbor Environmental Commission strongly recommends that the City Council, as an intervenor in the Fourth Amended Consent Judgement, RESOLVED, That remediation activities under the 3rd amendment of the Consent Judgement continue with updated criteria of 7.2 ppb for drinking water and 280 ppb Ground Surface Interaction (GSI).

RESOLVED, That all datasets analyzing the plume be generated by a neutral third party and made publicly available on a regular basis, after a timely peer review process.

RESOLVED, That City staff appoint a peer-review panel to evaluate all technical datasets and judgements pertinent to protecting residents from 1,4-dioxane exposures through all routes, including vapor intrusion.

RESOLVED, That City Council demand performance criteria of 7.2 ppb for drinking water and 280 ppb GSI cleanup standards throughout the present and future plume.

RESOLVED, That no discharges of treated groundwater be dumped into First Sister Lake, or any other natural surface water body or wetland be permitted.

RESOLVED, That all dioxane "hot spots" be treated using the best technology available

RESOLVED, That the City retain the right to pursue all available legal remedies if the polluter neglects defined performance criteria for remediation.