



Legislation Text

File #: 16-1526, **Version:** 2

Resolution Regarding Response Efforts Relative to the Gelman 1,4-Dioxane Plume
Whereas, Gelman Sciences, Inc. d/b/a Pall Life Sciences (“Gelman” or “Pall Life Sciences”) contaminated groundwater in and around Ann Arbor with 1,4-dioxane over a period of many years, which resulted in a plume of 1,4-dioxane contamination in the aquifers under the City of Ann Arbor and adjacent areas;

Whereas, The City stopped using the Northwest Supply well in 2001 due to 1,4-dioxane contamination being detected in the well water at low levels;

Whereas The City filed lawsuits against Gelman in state and federal courts (the “City cases”), but reached a settlement in late 2006 that included acceptance by the City of a \$500,000 settlement from Gelman;

Whereas, The settlement in the City cases establishes a set of criteria under which Gelman will have the obligation to pay the City \$4,000,000 due to an increase in 1,4-dioxane concentrations at the Northwest supply well;

Whereas, Due to the methodology used by Gelman for treatment of 1,4-dioxane, the City required Gelman to test the Huron River for Bromate as part of the settlement of the City cases;

Whereas, In a lawsuit brought by the State of Michigan against Gelman Sciences (the “State case”), the Michigan Department of Environmental Quality (“MDEQ”) entered into a consent judgment with Gelman Sciences in 1992 that was amended in 1996, 1999, and 2011;

Whereas The MDEQ is responsible for oversight of the continuing risk mitigation and cleanup operation of the 1,4-dioxane plume;

Whereas, The United States Environmental Protection Agency updated toxicology findings for 1,4-dioxane in 2010, but the MDEQ has yet to incorporate these data into a revised cleanup standard;

Whereas, The MDEQ has promised the City and Washtenaw County that the cleanup criterion for 1,4-dioxane would be lowered from 85 ppb to 7.2 ppb - a cleanup criterion more consistent with current science, which indicates that levels closer to 3 ppb are appropriate;

Whereas, Shallow groundwater testing on the west side of Ann Arbor performed this summer indicated 3 out of 16 shallow groundwater test wells have the presence of either 1,4 Dioxane or 1,1,1-trichloroethane;

Whereas, The MDEQ has informed homeowners in areas where traces of these chemicals were found in the shallow groundwater testing, but has not provided information regarding the impact of these findings;

Whereas, The findings from the shallow groundwater testing demonstrate a new potential exposure pathway for 1,4-dioxane that was not considered by the Court when, as part of and in connection with amendments to the consent judgment in the State case, it approved and ordered a Prohibition Zone within the City in which drinking and irrigation wells are prohibited, and set a limit of 2,800 ppb 1,4-dioxane east of Maple Road;

Whereas, The findings create anxiety and extreme concern for residents, homeowners and business owners in affected areas;

Whereas, The potential for additional and increasing concentrations of shallow groundwater contamination is highly probable;

Whereas, Danaher, the current parent company of Gelman Sciences, Inc., responded to a letter from local governments, but provided no new information suggesting a change in communication or strategy with affected local governments; and

Whereas, The MDEQ has requested \$700,000 in State funding, which became available on October 1, to support remediation and community engagement relative to Gelman's 1,4-dioxane contamination;

RESOLVED, That the Ann Arbor City Council direct the City Administrator seek assistance from our Congressional delegation to explore whether the MDEQ is fulfilling its delegated authority under the Clean Water and Safe Drinking Water Acts;

RESOLVED, That the Ann Arbor City Council direct the City Administrator to explore options for more expeditious and effective cleanup efforts, including possible collaboration with Washtenaw County, Scio Township, Ann Arbor Township, and other affected jurisdictions, and to report to Council on the status of these efforts on a monthly basis until such time as Council provides an alternate reporting schedule; and

RESOLVED, That the Ann Arbor City Council directs the City Attorney to continue to provide legal advice on a regular basis regarding Gelman's 1,4-dioxane plume and related legal issues.

Sponsored by: Councilmembers Smith, Warpehoski, Briere, and Krapohl

Approved as amended on October 24, 2016