

Council - December 16, 1996

R-583-12-96 APPROVED AS REVISED
RESOLUTION REGARDING THE IMMEDIATE
CLEANUP OF GELMAN SCIENCE'S
GROUNDWATER CONTAMINATION

Whereas, The groundwater underneath two Ann Arbor neighborhoods and a city park are contaminated with 1,4-dioxane originating from Gelman Sciences, Inc. (GSI) and the contamination may be spreading to new areas of the city; Whereas, Implementation of a new GSI core area work plan to discharge 1,4-dioxane to the Honey Creek tributary at levels up to 60 parts per billion (ppb), will add to the existing migration of contaminated ground and surface waters to the Honey Creek system potentially impacting hundreds of residential wells along Honey Creek and increasing the presence of 1,4-dioxane in the Huron River and Barton Pond, a source of Ann Arbor's drinking water;

Whereas, 1,4-dioxane is a persistent compound not susceptible to simple ozone treatment as used at the Ann Arbor Treatment Plant or exposure to natural ultraviolet light;

Whereas, The additional impacts on residential wells in Scio Township may result in the provision of public water supplies from Ann Arbor being extended further into Scio Township;

Whereas, GSI signed an agreement with Scio Township committing to pursue groundwater reinjection and limit 1,4-dioxane discharge to Honey Creek to 3 ppb in exchange for tax abatements and support for GSI's MEGA grant application;

Whereas, The performance of the ultraviolet light/hydrogen peroxide treatment technology under field remediation and pilot test conditions and verified in specifications for technology operating on the GSI site confirms that 3 ppb is the current best available technical and economically achievable (BATEA) standard for treatment of 1,4-dioxane;

Whereas, Since 1990, the City of Ann Arbor continues to receive multiple requests from GSI to participate in remedial actions by accepting untreated and treated groundwater to the sewer system, the purpose and necessity of these requests to assist the GSI clean up frequently being unclear and further, that significant progress on the clean up has not occurred despite city cooperation with these requests;

Whereas, In 1995 a GSI work plan to implement surface water discharge of 1,4-dioxane at up to 3 ppb, should groundwater reinjection prove unsuccessful, enjoyed widespread community acceptance, but was recently abandoned by GSI in favor of a publicly unacceptable plan, threatening the progress and integrity of the entire clean up and resulting in further requests for substantial city participation in remedial activities;

Whereas, The citizens and the City of Ann Arbor have a strong interest in an expedited, protective and sustained clean up of 1,4-dioxane from the entire GSI contamination site and as residents of a common watershed share that interest with citizens of Scio Township and Washtenaw County;

Whereas, Establishing a clear policy framework for City participation in the GSI clean up will guide future actions by City officials and staff and will provide GSI with defined parameters governing any future requests for city assistance;

RESOLVED, That Ann Arbor City Council joins the Scio Township Board of Trustees, the Drain Commissioner and Commissioners of Washtenaw County, and the Citizens Review Committee in strongly opposing the GSI proposal to discharge 1,4-dioxane to Honey Creek at levels exceeding 3 ppb;

RESOLVED, That the City of Ann Arbor urges MDEQ to reject GSI's current proposal and to require development of a suitable reinjection clean up plan;

RESOLVED, That consideration by the City of all future requests by Gelman Sciences for the use of city infrastructure or other assistance from Ann Arbor (related to remedial activities) requires prior agreement to and satisfaction of the following conditions:

1. A state-approved remedial investigation plan and/or work plan directly related to each request;
2. All necessary associated state permits or exemptions;
3. GSI's agreement to comply with all applicable monitoring and reporting requirements of the City of Ann Arbor;
4. Adherence to the terms and conditions of the November 13, 1992 GSI agreement and Industrial Users Permit (IUP # 041093) and reapplication for reissuance of that agreement and permit , as amended by staff, to set the average monthly 1,4-dioxane effluent limit at 3 ppb and the single day maximum limit at 10 ppb for all discharges to city sewers;

RESOLVED, That the City immediately approves the December 3, 1996 request with the effluent limits above and requires GSI to immediately apply for a reissuance of the 1992 agreement and IUP;

RESOLVED, The Administrator send a copy of this resolution to relevant state and local officials.

Council – May 18, 1998

R-239-5-98 APPROVED
RESOLUTION TO APPROVE PALL/GELMAN SCIENCE, INC. (P/GSI)

REQUEST TO AMEND THE INDUSTRIAL USER PERMIT (IUP) NO. 041093
TO DISCHARGE TREATED GROUNDWATER INTO THE SANITARY SEWER
FROM THE EVERGREEN TREATMENT PLANT

Whereas, On December 16, 1997, Council approved the Resolution Regarding the Immediate Clean Up of Gelman Sciences' Groundwater Contamination, No. R-583- 12-96;

Whereas, Resolution No. R-583-12-96 approved Pall/Gelman Sciences, Inc. request dated November 13, 1997, to discharge treated water into the sanitary sewer;

Whereas, On February 24, 1998, Industrial Use Permit No. 041093 was reissued to Pall/Gelman Sciences, Inc.;

Whereas, On March 30, 1998, and in more detail on April 27, 1998, Pall/Gelman Sciences, Inc. requested the permit be re-issued or amended to allow more than one purge well to pump to the Evergreen Treatment Facility, to increase the permitted flow from 100 gallons per minute to 200 gallons per minute, to permit discharge from back flushing of injection well IW-2, and to permit discharge from the filter back wash at the Evergreen Treatment Facility;

Whereas, Three purge well are installed and piped to the Evergreen Treatment Facility and installation of injection well IW-2 and the filter at the Evergreen Treatment Facility are not installed;

RESOLVED, That Council approve an amendment to Industrial Use Permit No. 041093 to be issued by City staff in a form on file with the City Clerk to allow Pall/Gelman Sciences, Inc. to discharge up to 100 gallons per minute of treated ground water from the Evergreen Treatment Facility into the sanitary sewer from purge wells LB-1, LB-2 and AE-1;

RESOLVED, That staff will present to Council for approval an amendment to Industrial User Permit No. 041093 to allow an increase of flow to the sanitary sewer if an engineering study is conducted and capacity is available;

RESOLVED, That staff will present to Council for approval consideration of discharge from back flushing of injection well IW-2, and the discharge from the filter back wash at the Evergreen Treatment Facility when Pall/Gelman Sciences, Inc. begins installation of and has provided all necessary details regarding this equipment; and

RESOLVED, That Council approve the amended Industrial User Permit No. 041093 to expire within 180 days of its effective date unless Council approves of an extension of the subject permit.

RESOLVED, That said permit (on file in the City Clerk's Office) will be revoked if Pall/Gelman Sciences, Inc. does not install a new injection well(s) for permanent disposal of treated groundwater within 180 days of the effective date of the permit.

Council - June 19, 2000

R-315-6-00 APPROVED

RESOLUTION URGING THAT THE MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY SEEK MAXIMUM JUDICIAL ENFORCEMENT OF EFFECTIVE CLEANUP AND CONTAINMENT OF THE PALL/GELMAN SCIENCE, INC. 1,4-DIOXANE CONTAMINATION AND PROTESTING REISSUANCE OF A WEAKENED 1,4-DIOXANE NPDES PERMIT

Whereas, The City of Ann Arbor has worked for the protection of the surface and ground waters of the State from the continuing threat and actual contamination from 1, 4-dioxane contamination originating at the Pall/Gelman Sciences, Inc. ("PGSI") Wagner Road facility, and for effective containment and proper treatment of waters already impacted by the contamination;

Whereas, The City's goals are for a timely, continuous and effective cleanup of the contaminated groundwater caused by pollution from the PGSI site; protection of clean groundwater from migrating contamination and from 1,4-dioxane discharges during cleanup operations; prevention of hardship and loss to residents; protection of the City's drinking water supply; protection of city neighborhoods, parks and use of public right of way; use of best technical means to restore groundwater resources and to eliminate 1, 4-dioxane from purged contaminated groundwater before it is discharged under state or local permits; Whereas, The monitoring and containment efforts used by PGSI have not adequately predicted or contained further migration of 1, 4-dioxane; data supplied by PGSI confirm that 1,4-dioxane continues to enter additional public groundwater resources, further threatening public and private water supplies; and the MDEQ has determined that PGSI has violated both its ground and surface water 1,4-dioxane discharge permits;

Whereas, Full definition of the lateral and vertical extent of all 1,4-dioxane presence is critical to determining where further contamination will appear and therefore how to prevent further migration;

Whereas, PGSI has not submitted to the state an approvable Remedial Action Plan to contain and restore the large area of the western contamination plume; Whereas, The continued spread of 1, 4-dioxane is causing a hardship to citizens and an unacceptable impact on public water resources;

Whereas, City Council has previously urged the MDEQ to assess monetary penalties for these failures and violations and compel compliance with cleanup objectives and schedules set out in the 1992/1996 consent judgment agreement between MDEQ and PGSI;

Whereas, The Michigan Attorney General's Office ("Attorney General") has now sought, through enforcement action against PGSI scheduled for a late June, 2000 hearing in Washtenaw County Circuit Court, payment of fines, installation of increased 1, 4-dioxane treatment capacity, complete definition of the nature and extent of the contamination plumes, and containment of the plumes;

Whereas, To further the aforementioned goals, the City of Ann Arbor, in 1999, became a party to the contested case administrative proceeding, joining the efforts of the Washtenaw County, Scio Residents for Safe Water, and individual citizens, to seek more protective legally applicable standards in the NPDES permit governing 1,4-dioxane discharges by PGSI to Honey Creek and to prevent efforts by the MDEQ and PGSI to weaken the permit;

Whereas, Richard G. Lacasse, Chief Administrative Law Judge of the MDEQ Office of Administrative Hearings (AOAH), after a yearlong proceeding to receive and review motions, evidence and testimony from all parties determined that neither the 1, 4-dioxane discharge limits in the 1997 NPDES permit nor the increased limits proposed by the MDEQ and PGSI to amend the permit were sufficiently based in fact or law and that the monthly average and daily maximum limits should be reduced by 50% in PGSI's NPDES permit to discharge 1, 4-dioxane to Honey Creek and the Huron River above Barton Pond; and

Whereas, On June 16, 2000, MDEQ Director Russell Harding overruled the Chief of OHA, doubling the daily maximum 1, 4-dioxane limit, reissuing the PGSI NPDES permit incorporating the weakened 1, 4-dioxane maximum standard, eliminating the required public notice and public hearing on an amended or reissued permit and deleting that portion of Judge Lacasse's recommendation on treatment technology based effluent limits (ABAT, BPJ) from the record attached to the permit;

RESOLVED, That the City of Ann Arbor reaffirms its concern with these matters and strongly urges the Attorney General and MDEQ to pursue vigorous maximum and timely enforcement of compliance with previous agreements and judgments, including increased treatment capacity, definition and containment of contamination, and penalties for noncompliance; and

RESOLVED, That the City of Ann Arbor protests the action of MDEQ Director Harding and the Division of Surface Water Quality to weaken and reissue the PGSI 1, 4-dioxane NPDES permit and to eliminate required public notice and a public hearing;

RESOLVED, That the City seeks acceptance of Judge Lacasse's judicial findings that the 1, 4-dioxane concentration in the discharge be limited to a monthly average of 5 ppb

and a one-day maximum of 15 ppb, incorporation of these findings in an amended NPDES permit to be reissued after public notice and a public hearing, and that all of Judge Lacasse's findings be made part of the permit record; and

RESOLVED, That the City Council directs the City Clerk to send this resolution to the Director of MDEQ and the Attorney General, with copies to the Environmental Response and Surface Water Quality Divisions of the MDEQ; Washtenaw County; Scio Township; State Representatives Hansen and Brater; State Senator Smith; and Governor Engler.

Council - July 13, 1998

R-329-7-98 APPROVED AS AMENDED
RESOLUTION TO AMEND INDUSTRIAL USER PERMIT (IUP) FOR
SEWER DISCHARGES FROM PALL/GELMAN SCIENCES, INC.'S
EVERGREEN GROUNDWATER TREATMENT FACILITY

Whereas, On May 18, 1998, Council approved Industrial User Permit No. 041093 which was sent to Pall/Gelman Sciences, Inc. on May 22, 1998, to allow the discharge of treated groundwater from multiple purge wells into the sanitary sewer from the Evergreen Treatment Facility after acceptance of permit conditions by Pall/Gelman Sciences, Inc.;

Whereas, On March 30, 1998, and in more detail on April 27, 1998, Pall/Gelman Sciences Inc. requested that the Industrial User Permit be reissued or amended to allow more than one purge well to pump to the Evergreen Treatment Facility, to increase the permitted flow from 100 gallons per minute to 200 gallons per minute, to permit discharge from back flushing of injection well IW-2, and to permit discharge from the back washing of the proposed filters to be installed at the Evergreen Treatment Facility;

Whereas, In response to these requests, Council approved Resolution R-239-5-98 on May 18, 1998 to amend the Industrial User Permit, resolved that staff present for approval consideration of discharge from back flushing and back washing activities when Pall/Gelman Sciences, Inc. begins installation and has provided all necessary details of the equipment involved in these activities, and resolved that staff would present an Industrial User Permit amendment for approval to increase the rate of discharge into the sanitary sewer if an engineering study is conducted and hydraulic capacity available;

Whereas, On July 2, 1998, McNamee, Porter and Seeley, Inc. presented to staff an engineering study that determined that capacity is available in the sanitary sewer

serving the Evergreen Treatment Facility but that this capacity is not always available and the level of sewage in the sanitary sewer must be continuously monitored and controlled to permit the discharge when the capacity is available; and

Whereas, On June 6, 1998, and June 26, 1998, staff requested information about the back flushing and back washing activities and to date staff has received no response from Pall/Gelman Sciences, Inc.;

RESOLVED, That Council approve an amendment to the May 18, 1998 Industrial User Permit No. 041093 to allow Pall/Gelman Sciences, Inc. to discharge up to 200 gallons per minute of treated groundwater from the Evergreen Treatment Facility and that conditions are specified in the permit to insure discharge only when hydraulic capacity is available in the sanitary sewer.

This text replaces Part II, E. of Permit No. 041093 that was amended effective May 18, 1998, and expires on 12:01 a.m., November 15, 1998. This amendment is effective July 13, 1998, upon completion of the certification described in Part IV of the Permit.

PART II - SPECIAL CONDITIONS/COMPLIANCE SCHEDULE E. Due to limited hydraulic capacity in the sanitary sewer serving the Evergreen Treatment Facility, the permittee shall operate and maintain a system of depth sensors in the sewer. This system shall trigger an automatic and immediate shutoff of permitted discharges to the sewer serving the Evergreen Treatment Facility whenever flow depth in the sewer exceeds an established level averaged over a specified time period.

1. Depth sensors shall be placed within the reach of the 12 inch diameter sanitary sewer located south of Valley Drive in what would be a projected extension of Evergreen Street and within the reach of the 12 inch diameter sanitary sewer within Westwood north of Dexter.
2. The signals from these sensors shall cause the discharge to cease when the depth of flow is 11 inches or more averaged over 15 minutes within the sewers. Discharge can be restarted when the depth of flow is 10 inches or less averaged over 15 minutes. The sensor system shall be designed such that the specified depth at which the discharge is terminated and restarted can be adjusted over the 0.5 to 1.00 diameter range (i.e., 6 inch to 12 inch depths).
3. The manufacturers' installation, operations and maintenance procedures for the depth sensors and associated equipment shall be adhered to and shall include checking the depth sensors daily and removing any accumulated debris. Any deviation from the manufacturers' recommendations shall require City approval.
4. No discharge shall occur if the depth sensor system is not functioning or malfunctions.
5. Detailed operating and maintenance records shall be kept on the sewer monitoring and discharge control system to verify compliance with the above requirements.
6. If basement flooding is experienced due to surcharge conditions in the sanitary sewers serving the Evergreen Treatment Facility, additional depth sensors and

associated equipment shall be installed at the permittee's expense. The location of the sensor(s) shall be determined by the City to best monitor flow depth with prevent to potential basement flooding. All discharges will cease until the additional sensors are installed and operating. (Requirements to be specified regarding prevention of basement flooding and for P/GSI to indemnify City for damages associated with basement flooding.)

Council - October 19, 1998

R-464-10-98 APPROVED
RESOLUTION TO APPROPRIATE \$250,000.00 FOR USE
IN GELMAN LITIGATION AND OTHER ACTIONS RELATED TO REMEDIATION
OF THE GELMAN CONTAMINATION

Whereas, The lawsuit brought by Pall/Gelman Sciences, Inc. (A Gelman), in 1997 against the City of Ann Arbor, Scio Township and the Washtenaw County Road Commission to seek access to certain properties continues as Gelman seeks to expand its remediation operations, and as the municipal parties seek to protect their municipal interests, to prevent further contamination, including contamination of City drinking water sources, and to promote expedient, effective and safe remediation by Gelman;

Whereas, The City staff does not have the necessary expertise and/or time to handle the litigation and litigation support functions entirely with City personnel;

Whereas, The City staff does not have the necessary expertise to review the plans of proposed remediation systems from Gelman;

Whereas, Continued litigation, including possible appeals, will require additional expenditures, including but not necessarily limited to expenditures for outside counsel and for expert consultants and witnesses; and

Whereas, The FY 98-99 budget does not contain sufficient funds to cover the litigation costs necessary for the City to protect its interests in the litigation, including possible appeals, and including consultant services to review plans from Gelman;

RESOLVED, That \$250,000.00 be appropriated from General Fund fund balance to the City Attorney's Office's FY 98-99 budget for use in the Gelman litigation and for consultant services to assist the City in its review of plans of proposed remediation systems from Gelman, that the City Administrator and City Attorney be authorized to take all actions necessary to implement this appropriation, and that any balance of this amount left at the end of FY 98-99 be carried over to future budget years until the Gelman litigation and related actions are completed.

Council - October 19, 1998

R-471-10-98 APPROVED
RESOLUTION APPROPRIATING \$10,000.00 FOR REGIONAL COOPERATION
IN CONTESTING PALL/GELMAN SCIENCES NATIONAL POLLUTANT DISCHARGE
ELIMINATION SYSTEM (NPDES) PERMIT

Whereas, Uncontaminated surface water and groundwater quality is essential to a healthy environment and a sustainable community;

Whereas, The Michigan Department of Environmental Quality has issued Pall/Gelman Sciences a National Pollutant Discharge Elimination System (NPDES) permit to discharge treated water to Honey Creek;

Whereas, Honey Creek flows into the Huron River and the quality of this water system has regional implications for the County and direct implications for the City and its drinking water supply;

Whereas, The NPDES permit was appealed by the citizens of Scio Township and the City of Ann Arbor (Scio Residents for Safe Water) and an administrative hearing has been granted;

Whereas, Waters in Honey Creek enter groundwater aquifers which supply drinking water in the County;

Whereas, The City of Ann Arbor has opposed the discharge of water containing 1,4-dioxane at levels higher than 3 ppb into the surface waters of Washtenaw County (Resolution R-583-12-96);

Whereas, The affected local governments (Scio Township and Washtenaw County) have set a similar standard for discharge;

Whereas, The NPDES permit allows the discharge of water containing 1,4- dioxane at concentrations greater than 3 ppb;

Whereas, Pall/Gelman Sciences is contesting the NPDES permit in order to raise the permitted discharge levels even higher to 100 ppb; and

Whereas, The City of Ann Arbor in its role in the Intergovernmental Partnership Committee with the Washtenaw County and Scio Township has determined that the citizens of the City of Ann Arbor and Scio Township require immediate resources to appeal the current levels of discharge designated by the NPDES permit and to contest Pall/Gelman Sciences effort to raise levels even higher.

RESOLVED, The City Council hereby authorizes the City Administrator to Appropriate \$10,000 from the General Fund fund balance to the joint effort by Ann Arbor, Scio Township and Washtenaw County to address the above mentioned concerns with discharges to Honey Creek, contingent on the appropriation of the same amount by both Washtenaw County and Scio Township.

Council - January 18, 2000

R-35-1-00 APPROVED
RESOLUTION TO OPPOSE THE PROPOSED PALL/GELMAN SCIENCES, INC.
REMEDIAL ACTION PLAN (RAP) FOR THE WESTERN SYSTEM

Whereas, Pall/Gelman Sciences, Inc. (APGSI) has submitted a third remedial action plan (RAP) to the Michigan Department of Environmental Quality (MDEQ) - Environmental Response Division (ERD) for the Western System;

Whereas, PGSI's previous two RAP submittals and various amendments were ruled inadequate by the ERD;

Whereas, The MDEQ held a public meeting on January 10, 2000 at Abbot Elementary School in Ann Arbor, Michigan to provide information and gather input from the public;

Whereas, The MDEQ has requested public comment on the proposed RAP to be submitted by January 21, 2000;

Whereas, PGSI's RAP for the Western System plume proposes closure not a cleanup of the contamination, restricting the use of groundwater in this area through use of county rules and regulations for the supply of groundwater for public and private purposes;

Whereas, This use of a institutional control, as allowed in Part 201 of the Natural Resources and Environmental Protection Act (NREPA), would require the County to agree to amend their rules and regulations to meet the requirements of Part 201 of the NREPA in order for the previously identified deficiency in the RAP to be corrected;

Whereas, Washtenaw County has not shown any indication of support to amend these rules and regulations;

Whereas, PGSI has not demonstrated by technical analysis that containment of the groundwater contamination will occur, a necessary condition required for consideration of a land closure rather than a cleanup approach;

Whereas, PGSI's RAP calls for securing deed restrictions on individual private property to restrict the use, and future use, of the land and groundwater;

Whereas, There are serious concerns that by not providing any remediation or containment of the groundwater contamination in the Western System the 1,4-dioxane plume will continue to spread into new areas where no access to municipal water supplies exists to replace wells which might become contaminated;

Whereas, There are serious concerns that by not providing any remediation or containment of the groundwater contamination in the western system will cause increases of 1,4-dioxane, venting from artesian wells into Honey Creek, to seep into Scio Township groundwater aquifers or end up in the Huron River and the City of Ann Arbor municipal water supply; and

Whereas, There are existing remediation technologies that could be utilized to actually contain and cleanup the contamination, which would halt the spread of the 1,4- dioxane plume;

RESOLVED, That the City of Ann Arbor opposes the proposed PGSI remedial action plan (RAP) for the Western System due to the previously noted inadequacies of the RAP and voices strong opposition to any RAP that does not actively contain and clean up the groundwater contamination through the use of remediation technology;

RESOLVED, That the City of Ann Arbor opposes the submitted RAP for its potential to add more 1,4-dioxane to the City of Ann Arbor municipal water supply and Scio Township water supply;

RESOLVED, That the City of Ann Arbor encourages the MDEQ to assess PGSI the fines for non-compliance that have accumulated to date to let the company know that the State of Michigan will not accept any more delays or accept any more remedial action plans that are clearly inadequate due to previous rejections by the MDEQ; and, RESOLVED, That the City Clerk submit this resolution to the MDEQ as written comment on the proposed Western System RAP, and send a copy to Scio Township, Washtenaw County Commissioners, State Representative Hansen, State Senator Smith, Governor Engler, and Attorney General Granholm.

Council - June 7, 1999

R-322-6-99 APPROVED
RESOLUTION TO OPPOSE PERMIT MODIFICATION GRANTED
TO PALL/GELMAN BY THE STATE OF MICHIGAN

RESOLVED, That City Council agree to direct the City Attorney, or outside counsel, to file an opposition regarding the Pall Gelman release of 1,4 Dioxane with the State of

Michigan, before the deadline, regarding the increase in the volume of water or the level of contamination into the Honey Creek, its tributary or the Huron River.

Council - January 19, 1999

R-33-1-99 APPROVED
RESOLUTION TO OPPOSE PROPOSED MODIFICATIONS TO
PALL/GELMAN SCIENCES, INC. NPDES PERMIT NO. MI0048453

Whereas, Pall/Gelman Sciences, Inc. (PGSI) has requested a permit modification of its NPDES discharge permit;

Whereas, The Michigan Department of Environmental Quality (MDEQ) has issued a draft permit modification and requested public comments in the Public Notice dated December 19, 1998;

Whereas, The proposed draft permit concerns modifications to the current permit to PGSI to discharge treated contaminated groundwater containing 1,4-Dioxane and other substances to Honey Creek;

Whereas, The proposed modifications would allow an increase in the allowable maximum daily discharge of this treated contaminated groundwater from 432,000 gallons per day to 1,152,000 gallons per day;

Whereas, The net effect of the proposed modifications to almost triple the amount of discharge is to triple the amount of 1,4-Dioxane into the receiving waters; Whereas, The City of Ann Arbor's drinking water supply system supplies safe drinking water to 115,000 people;

Whereas, 1,4-Dioxane is a known carcinogen;

Whereas, 1,4-Dioxane is regulated in drinking water by the MDEQ and other substances potentially present in the discharge stream and listed in the discharge permit (e.g., Benzene, purgeable halocarbons and purgeable aromatics) are regulated by the USEPA and MDEQ under drinking water regulations;

Whereas, New USEPA regulations address the need to protect the source waters use in the treatment of drinking water under the Source Water Assessment and Protection Program;

Whereas, The City of Ann Arbor's drinking water system does not treat for 1,4- Dioxane; and

Whereas, The City of Ann Arbor has a public responsibility to protect the drinking water supply;

RESOLVED, The City of Ann Arbor is officially opposed to any increase in the daily maximum flow at the existing permitted effluent concentration by PGSI to Honey Creek through the proposed permit modifications, threatening the drinking water supply of 115,000 people with a known carcinogen;

RESOLVED, The City of Ann Arbor's officially states that if the need is so great that the daily maximum outflow discharge to Honey Creek is to be increased, then the permitted concentration of 1,4-Dioxane must be reduced to 3 ug/l for a monthly average and 10 ug/l for a daily maximum as achieved by current treatment technology proven by compliance by PGSI through its treated discharge flows to the City of Ann Arbor's sanitary sewer system; and

RESOLVED, The City Administrator transmit this resolution to the MDEQ, Governor, our State Senator and State Representatives.

Council – 7-17-06

R-344-7-06 APPROVED

RESOLUTION ENDORSING THE FORMATION OF THE COALITION
FOR ACTION ON REMEDIATION OF DIOXANE (CARD) AND
CONCLUDING THE CITY OF ANN ARBOR'S PARTICIPATION IN
THE GELMAN GROUNDWATER REMEDIATION PLAN
INTERGOVERNMENTAL PARTNERSHIP

Whereas, The PALL/Gelman contamination site continues to demand attention and actions from the State, County and impacted local units of Government including the City of Ann Arbor, Scio Township, and Ann Arbor Township;

Whereas, Through cooperative efforts local governments and citizens have been instrumental in achieving much of the positive progress that has been made to date;

Whereas, The Intergovernmental Partnership Committee created in August 1997 served the residents of Washtenaw County well in coordinating policies and strategies across local units of government, but lacked sufficient mechanisms for citizen involvement and is no longer active;

Whereas, An organization is needed to replace the existing Gelman Groundwater Remediation Plan Intergovernmental Partnership to better meet the community needs;

Whereas, 1,4-dioxane released by PALL/Gelman persists and groundwater contamination has expanded in Washtenaw County to an area over three miles long and one mile wide and includes the City of Ann Arbor;

Whereas, The remediation of this site is likely to take an additional 20 years or more based on Pall Corp. and MDEQ estimates;

Whereas, Activities continue that require monitoring and response by governmental organizations in coordination with citizens, including but not limited to actions related to permits, well installations, remediation technologies, effluent discharge, contamination migration, pipe installation and maintenance;

Whereas, The court cases and recent court decisions impact multiple jurisdictions and thereby require a strong organization to coordinate actions regarding education, political, legal, technical and policy;

Whereas, Citizens, staff and elected officials from the State, County, City of Ann Arbor and impacted townships, including the Drain Commissioner, City of Ann Arbor Environmental Coordinator, County Commissioner, County staff, MDEQ staff, township supervisors, citizens representing various groups, met and agreed that a citizen and government coalition would be of substantial benefit;

Whereas, This organization is intended to include elected representatives, key staff, environmental organizations, neighborhood groups, all interested citizens, and MDEQ;

Whereas, The City of Ann Arbor Environmental Commission recognizes participation in this endeavor from other governmental agencies that are affected; and

Whereas, The City of Ann Arbor Environmental Commission passed a resolution on June 22, 2006 that recommended that The City of Ann Arbor participate in CARD;

RESOLVED, The City of Ann Arbor City Council encourages preparation of agendas with expected outcomes to ensure efficient participation from members and shall seek consensus among parties;

RESOLVED, The City of Ann Arbor City Council hereby endorses the creation of the Coalition for Action on Remediation of Dioxane (CARD);

RESOLVED, The City of Ann Arbor City Council encourages Ann Arbor citizen representation on all levels, groups, committees and subcommittees in this organization;

RESOLVED, The City of Ann Arbor City Council appoints Councilmember Woods as a representative to CARD;

RESOLVED, The City of Ann Arbor City Council directs the City Administrator to support this organization with appropriate staff and necessary resources; and

RESOLVED That the City of Ann Arbor concludes its participation in the Gelman Groundwater Remediation Plan Intergovernmental Partnership.