

Request for Gelman Sciences, Inc. to revise its Allen Creek Drain Monitoring Plan (response to NOV)

Description: The Washtenaw County Water Resources Commissioner (WRC) issued Gelman Sciences, Inc. (Gelman) a Notice of Violation (NOV) of the Allen Creek Drain - Municipal Separate Storm Sewer System Permit (MS4 Permit) in January 2021. Gelman's response to address this NOV is the insufficient Allen Creek Drain Monitoring Plan (Monitoring Plan), attached. Revisions are required to the objective and criterion for abatement action to be consistent with federal and state environmental laws and regulations.

Title: To require Gelman to revise its Allen Creek Drain Monitoring Plan objective and criterion for abatement action to be consistent with federal and state environmental laws and regulations.

Sponsors: Kathy Griswold, Rita Mitchell

Title

To require Gelman to revise its Allen Creek Drain Monitoring Plan objective and criterion for abatement action to be consistent with federal and state environmental laws and regulations.

Body

Whereas, The objective of the Gelman Allen Creek Drain Monitoring Plan should be to identify and remediate the areas of the Allen Creek Drain where the Gelman dioxane groundwater plume is infiltrating into the Allen Creek Drain above background levels;

Whereas, This Gelman proposed work is being done in response to a WRC January 2021 MS4 Permit Notice of Violation requiring Gelman to halt its illicit dioxane discharge into the MS4 permitted storm water drain;

Whereas, Under the MS4 permit, an "illicit discharge" is defined as any discharge to, or seepage into, an MS4 drain that is not composed entirely of storm water or uncontaminated groundwater;

Whereas, Based upon the prior collected groundwater and Allen Creek Drain storm water data, there is no level of dioxane in uncontaminated groundwater;

Whereas, the Monitoring Plan should identify the location(s) where the dioxane groundwater plume is seeping into the Allen Creek Drain above background levels;

Whereas, Gelman does not propose to delineate and eliminate the dioxane to below background levels;

Whereas, Gelman proposes to address dioxane storm water contamination above a "water quality-based standard", which is not consistent with the governing laws and regulations;

Whereas, Gelman introduces incorrect regulatory criterion in multiple sections of the Monitoring Plan, the result of which will limit the required work to comply with the MS4 Permit NOV and applicable environmental laws and regulations.

RESOLVED, that the Environmental Commission advises the Ann Arbor City Council to pass a resolution requesting that Michigan Department of Environment Great Lakes and Energy (EGLE), the WRC, and the local governments reject the Gelman Monitoring Plan with the illegal abatement criterion and limited work;

RESOLVED, that the Environmental Commission advises the Ann Arbor City Council to pass a resolution requesting that EGLE, the Washtenaw County Water Resources Commissioner (WRC), and the local governments require Gelman to revise its Monitoring Plan to: 1) add to the suggested sampling and

monitoring of the Allen Creek Drain; and 2) add permanent shallow groundwater monitoring wells along the impacted section of the Allen Creek Drain; and

RESOLVED, that the Environmental Commission advises the Ann Arbor City Council to pass a resolution requesting that EGLE, the WRC, and the local governments require that Gelman revise its Monitoring Plan objective and criterion for abatement action to be consistent with federal and state environmental laws and regulations.

Sponsored by: Councilmember Kathy Griswold and Commissioner Rita Mitchell

Date: May 27, 2021