



QUARTERLY
UPDATE

GELMAN PLUME *and*
1,4-Dioxane

Settlement Update

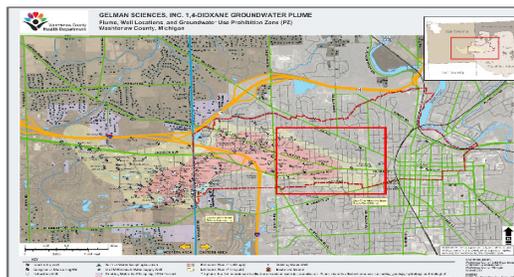
From approximately the spring of 2017 until the fall of 2019, a proposed fourth amendment to and restatement of the Consent Judgement was under negotiation between Gelman, EGLE, the City of Ann Arbor, Washtenaw County and its Health Department, Scio Township and the Huron River Watershed Council (The Intervenor).

- On April 12, 2021, the director of EGLE sent a letter requesting that EPA reinstate assessment of the Gelman site for the National Priorities Listing (NPL) process. The EPA is currently securing a contractor for the NPL assessment process; expected to be chosen by the end of October.
- EPA updates regarding the Gelman site can now be found on the EPA’s website at: <https://www.epa.gov/mi/gelman-sciences> and the ‘frequently asked questions’ for the Gelman site is: <https://www.epa.gov/mi/gelman-science-frequently-asked-questions-0>
- On May 3, 2021 Judge Connors held an evidentiary hearing regarding the Gelman plume cleanup. As a result of the hearing, and based on the legal briefs and technical reports that the parties filed in advance of the hearing, the judge ordered Gelman to implement the requirements in the proposed fourth amended consent judgment that had been made public after the negotiations concluded in the fall of 2020 (“Response Activity Order”).
- Gelman filed a motion to partially stay the Response Activity Order pending appeal, which Judge Connors denied. Gelman then filed both a claim of appeal and an application for leave to appeal the Response Activity Order. On June 29, 2021, Court of Appeals Judge Christopher Murray dismissed the claim of appeal, deciding that the Response Activity Order does not constitute a final order and that Gelman has no direct right.
- On July 26, 2021, the Court of Appeals granted Gelman’s application for leave to appeal, meaning that the Court of Appeals is going to consider the merits of Gelman’s challenge to the Response Activity Order. The appeal is still in the briefing stage, after which it will be scheduled for oral argument. The Court of Appeals also granted a partial stay of the Response Activity Order. Although the court stayed the quarterly hearings that Judge Connors had scheduled, the court did not stay the requirement that Gelman immediately implement the response activities in the proposed fourth amended consent judgment, or the provision of the Response Activity Order stating that Intervenor retain their status in the case.
- Implementation of the 4th Consent Judgment is ongoing (see EGLE/CARD for updates).

Wet Basement Testing for 1,4-Dioxane Update

In September 2020, the City provided details of the wet basement testing for 1,4-dioxane in a presentation that served as the project kickoff. There were no basements sampled in the third quarter of 2021 and everyone who has chosen to be in the program was contacted in May with a reminder on whom to contact. Additional details on the program can be found on the City of Ann Arbor’s website:

<https://www.a2gov.org/departments/water-treatment/Pages/1,4-Dioxane-Wet-Basement-Testing-.aspx>



Agency Updates

EGLE / CARD

- CARD meetings were held on July 6, August 3, September 7, and October 5, 2021. All meetings were held virtually through Zoom. Additional personnel from EGLE were present for the September meeting.
- EGLE has completed their review of the monitoring well trend analysis. They will finalize their review after direction of response activities as defined by the court.
- In accordance with the 4th Amended Consent Judgement, EGLE reported that Gelman is working on the following activities:
 - National Pollutant Discharge Elimination System (NPDES) application for discharge to First Sister Lake.
 - Replacement extraction well TW-29 on Maple Rd is connected and operational.
 - Access agreements are being completed in Evergreen/eastern area and western area.
 - Right-of-way permits have been submitted to City of Ann Arbor for Rose/Valley Road test borings.
 - Well identification confirmation is occurring for the expanded prohibition zone area to determine if private wells exist.
 - Preliminary design is underway for the burn pit area on the Gelman property.
 - Groundwater to Surface Water Interface (GSI) evaluation in the western area has been completed by Gelman and will be presented to EGLE's Technical Assistance and Program Support (TAPS) team. A decision on whether it can be implemented is due end of October.
- The next scheduled meeting will be held on November 2, 2021 at 6PM via Zoom.

MS4 PERMIT

- Concentrations of 1,4-dioxane entering the Allen Creek Drain stormwater system have significantly increased since 2017 surrounding West Park area. One location in particular has increased from 4.4 ppb in 2017 to 49 ppb in sampling completed during the fall of 2020.
- The Allen Creek Drain stormwater system is part of Washtenaw County's Municipal Separate Storm Sewer System (MS4).
- Based on the 'corrective action required' notice sent by the Washtenaw County Water Resources Commission Office (WCWRC) to Gelman for increased concentrations of 1,4-dioxane in the Allen Creek Drain stormwater system, Gelman submitted a work plan on April 15, 2021 for sampling. The plan has not been implemented. EGLE and WCWRC will be meeting to discuss next steps for implementation.
- Tetra Tech was contracted by WCWRC to complete sampling for 1,4-dioxane along the Allen Creek Drain. Results from this sampling will be shared when the report is finalized.

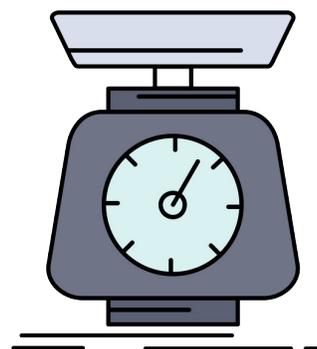
NPDES PERMIT

- EGLE is currently reviewing the NPDES permit application that was submitted on April 4, 2019.
- EGLE has 180 days after determining completeness of application to issue or deny. There has been no significant update on this.
- Public notice period is for 30 days and a public hearing can be requested.
- If a public hearing occurs it will add time to the schedule.
- At the 11/5/2019 CARD meeting a representative for State of Michigan's Permitting section addressed that the state is experiencing a severe backlog reviewing NPDES permits. Responsible parties are obligated to comply despite permit expiring in October 2019.

Pall Groundwater Treatment Updates

Total Volume of Groundwater Treated
June - August 2021

58,555,393 gallons



Mass of
1,4 Dioxane Removed

June: 61.84 lbs

July: 60.87 lbs

August: 51.04 lbs

Total: 173.75 lbs

The mass calculations were determined from the NPDES monthly discharge reports using the maximum daily influent concentration and maximum daily effluent concentrations.

The volume was calculated from the average monthly flows in the monthly discharge report.

Next Quarterly Report Due January 2022

- Basement Sampling Update
- CARD Updates
- NPDES Permitting Progress
- Settlement Update
- MS4 Permit / Allen Creek Drain Sampling