

Gelman Sciences, Inc – USEPA Superfund Site Designation Status

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United States Environmental Protection Agency - CERCLA/Superfund Background

The Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), commonly known as Superfund, was enacted by Congress on December 11, 1980 to address the dangers of abandoned or uncontrolled toxic waste sites, such as Love Canal in New York, which were not being properly managed by the States. This law created a tax on the chemical and petroleum industries and provided broad Federal authority to respond directly to releases or threatened releases of hazardous substances that may endanger public health or the environment.

There are two components to the Superfund Program: 1) the side of the program which actually spends the “Superfund” on the clean-up of toxic waste sites where there is not a viable person who caused the contamination; and 2) the side of the program which requires the viable polluters to remediate the site to CERCLA requirements – the Superfund Enforcement Program. The Superfund Enforcement Program preserves taxpayer dollars and the scarce resources of the Superfund trust fund to address truly abandoned and orphaned sites.

The Superfund Enforcement Program works with the US Department of Justice and USEPA - Office of Regional Counsel to compel the Potentially Responsible Parties (PRPs) who caused the pollution to enter into CERCLA Administrative Orders to perform the required work to USEPA requirements. The Superfund Enforcement Program’s efforts to negotiate settlement agreements and issue orders for clean-up accounts for approximately 70 percent of all the remediation currently underway at USEPA Superfund Sites.

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If the PRP refuses to conduct the remediation, USEPA will issue a CERCLA Unilateral Administrative Order to the PRP and expend the Superfund money on the clean-up. At the end of site remediation, USEPA will bring a CERCLA Cost Recovery action against the PRP in federal court to recover the spent Superfund money and the administrative costs incurred by USEPA and the US DOJ. As of 2018, USEPA has obtained over \$6.9 billion in cost recovery of past cleanup costs.

The Gelman Sciences, Inc. (Gelman) Site has a viable PRP who can pay for the remediation to USEPA requirements. Gelman was acquired by Pall Life Sciences, Inc. which is now a subsidiary of the Danaher Corporation. Danaher is a multi-billion dollar corporation. CERCLA holds current and past owners responsible for remediation of the site.

Gelman Site Background

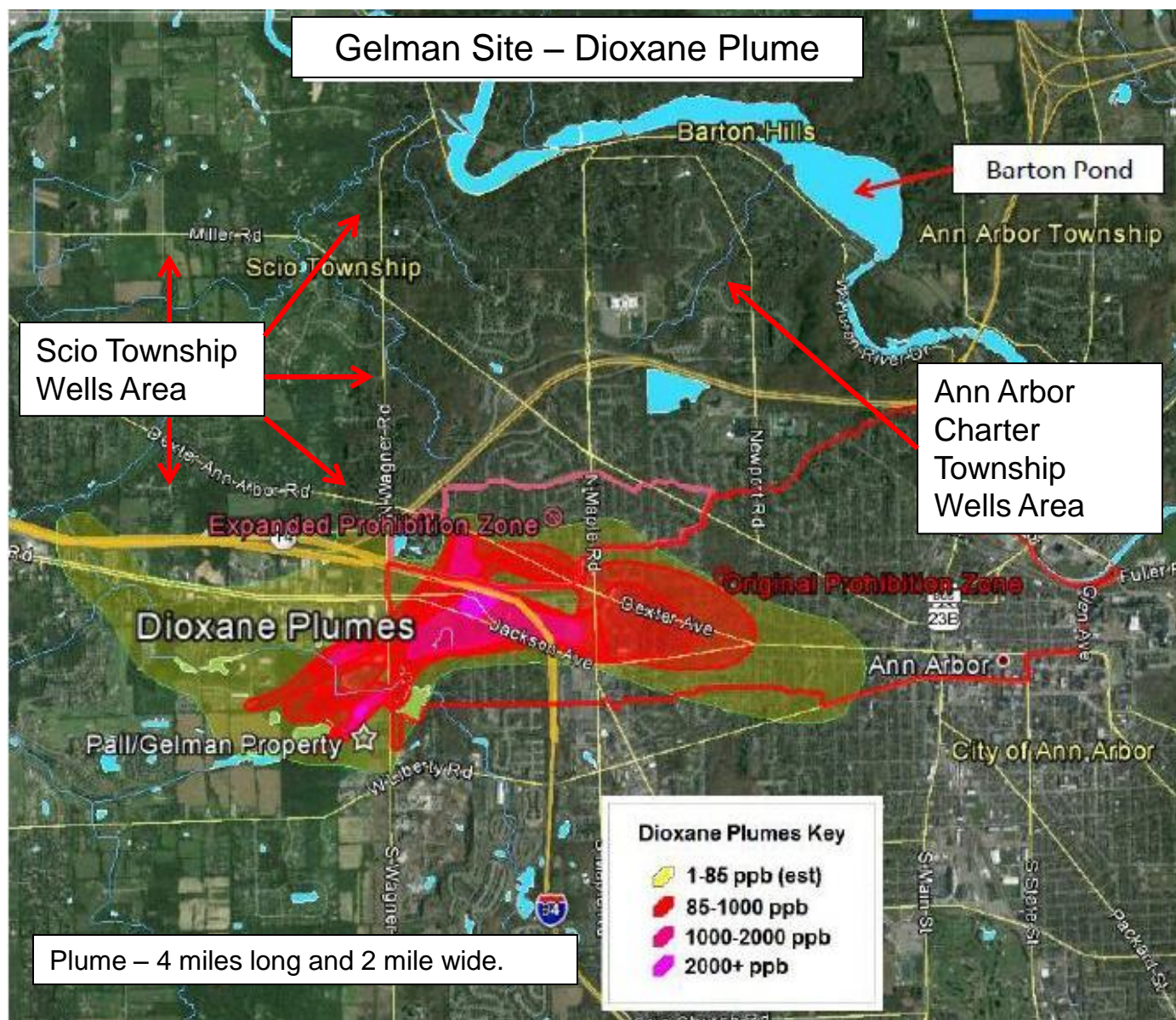
The Gelman Site has been a listed Michigan Contaminated Site since 1988. However, the dioxane plume continues to move in high concentrations towards Scio Township residential wells, Ann Arbor Township residential wells, the City Old West Side, the City West Park, and Barton Pond, see the following slide.

The State of Michigan – Department of Environment, Great Lakes & Energy (EGLE) has made numerous promises to the community to improve the remedy over the past years only to fail to deliver on them in court. These court losses include the significantly flawed current 2023 4th Amended Consent Judgment.

Recent studies by Scio Township and Ann Arbor Township have shown that the dioxane plume has polluted approximately 43 residential drinking water wells and that the dioxane groundwater contamination is near the Huron River, which supplies 85% of the City drinking water.

Currently, the dioxane plume is migrating in northern, western, eastern and southern directions beyond the control of the limited groundwater extractions well with no effective off-site hydraulic control, see the following slide.

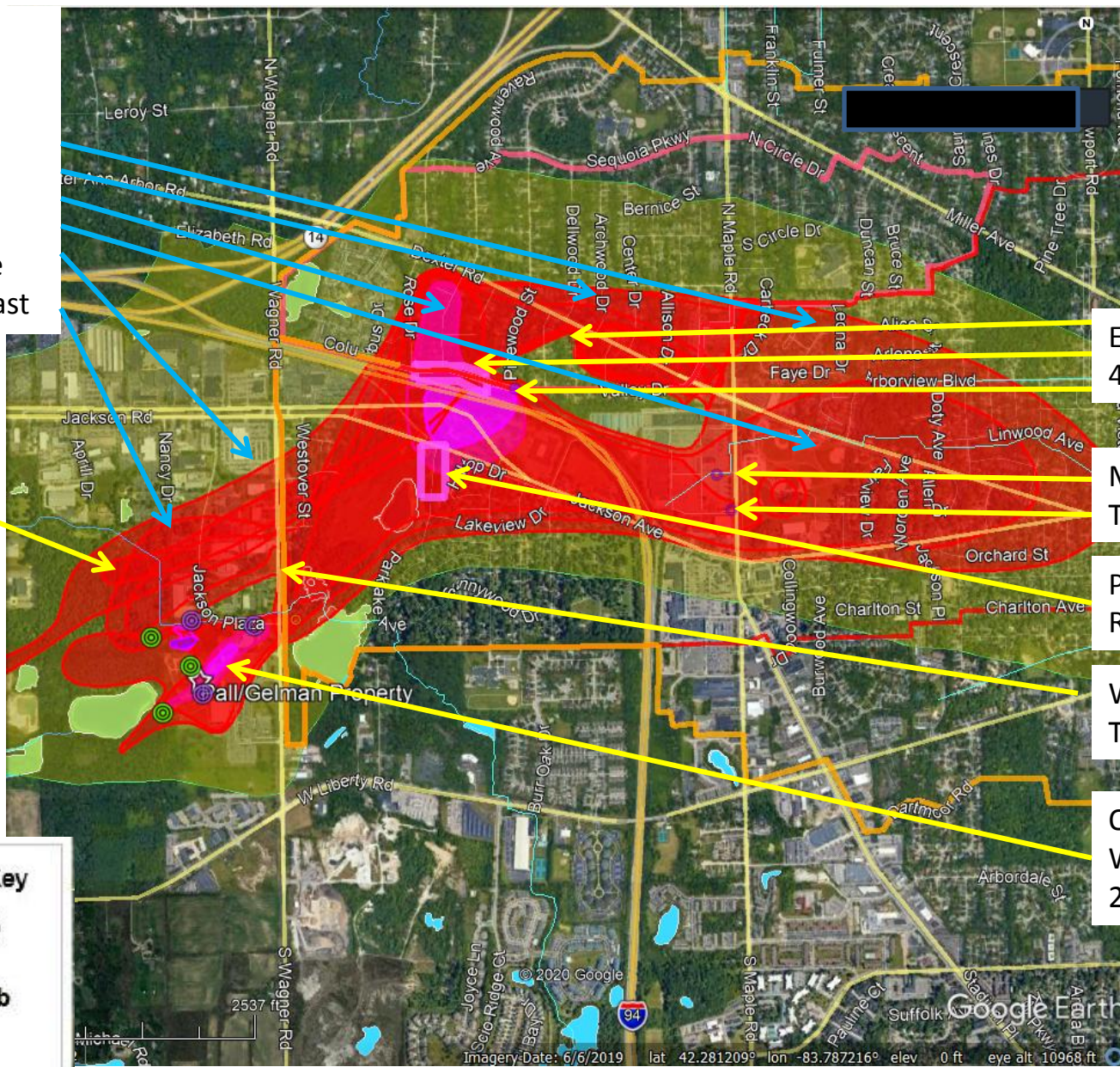
Dioxane Plume and Location of Municipal and Residential Drinking Water Supplies



4th Amended Consent Judgment Extraction Wells & Plume Beyond Wells Influence

Areas of High Dioxane Plume Concentration Beyond the Extraction Wells with Free Movement to the North, West & East

No Off-site Extraction Wells West of Wagner Road to Stop Plume Towards Scio Township Wells



Dioxane Plumes Key

- 1-85 ppb (est)
- 85-1000 ppb
- 1000-2000 ppb
- 2000+ ppb

Evergreen Wells: LB-4; Rose Well & IW-2

Maple Road Wells: TW-23 & TW-29

Park Lake Well – Removed From CJ

Wagner Road Wells: TW-18 & TW-21

On-site Extraction Wells – TW-24, TW-25 & TW-X

2023 4th Amended Consent Judgment Summary

The State of Michigan and Gelman entered into a new 2023 4th Amended Consent Judgment (CJ). However, under the 4th Amended CJ, the Gelman dioxane plume is allowed to migrating in northern, western, eastern and southern directions at significant levels. The 4th Amended CJ is a continuation of the 3rd Amended CJ “dilution” remedy. It is not protective of public health or the environment.

The 4th Amended CJ limited extraction wells will not stop the dioxane plume from expanding and thereby, presenting a potential adverse risk to: the municipal water supply; homeowner private drinking water wells; building occupants from dioxane vapor intrusion; and to workers in a trench who are in contact with the polluted groundwater.

The 4th Amended CJ allows the taking of private property owner’s right to use their well; rather than halting the dioxane plume and preserving the aquifer so the private landowner can use their well.

Status of USEPA Designating a Gelman USEPA Superfund Site

The Townships and Sierra Club filed a petition with USEPA to conduct a Preliminary Assessment to make the Gelman Site into a USEPA Superfund Site/National Priorities List Site in November 2016. USEPA accepted the Petitioners request and completed the Preliminary Assessment (PA) in November 2017. The PA concluded that the Gelman Site does qualify for potential listing as a USEPA Superfund Site.

On April 12, 2021, the State provided a “Concurrence Letter” to USEPA for the Gelman Site to continue the process to become a USEPA Superfund Site by performing a Site Inspection. A Site Inspection collects soil, groundwater and surface water samples to determine the quality of the past analytical data generated by Gelman and EGLE and establish current site conditions.

On November 23, 2023, USEPA issued a final Site Inspection Report. The Site Inspection and Hazardous Ranking Score concluded that the Gelman Site does quality to continue the process to be designated as a USEPA Superfund Site.

On March 7, 2024 USEPA announced in the Federal Register that it intends to make the Gelman Site into a USEPA Superfund Site (aka – a National Priorities List Site) and requested public comments on their intentions. The 60 day public comment period ends on May 6, 2024.

USEPA will review and comment on the public comments and make a final determination whether to designated the Gelman Site as a USEPA Superfund Site. This may take a couple of months.

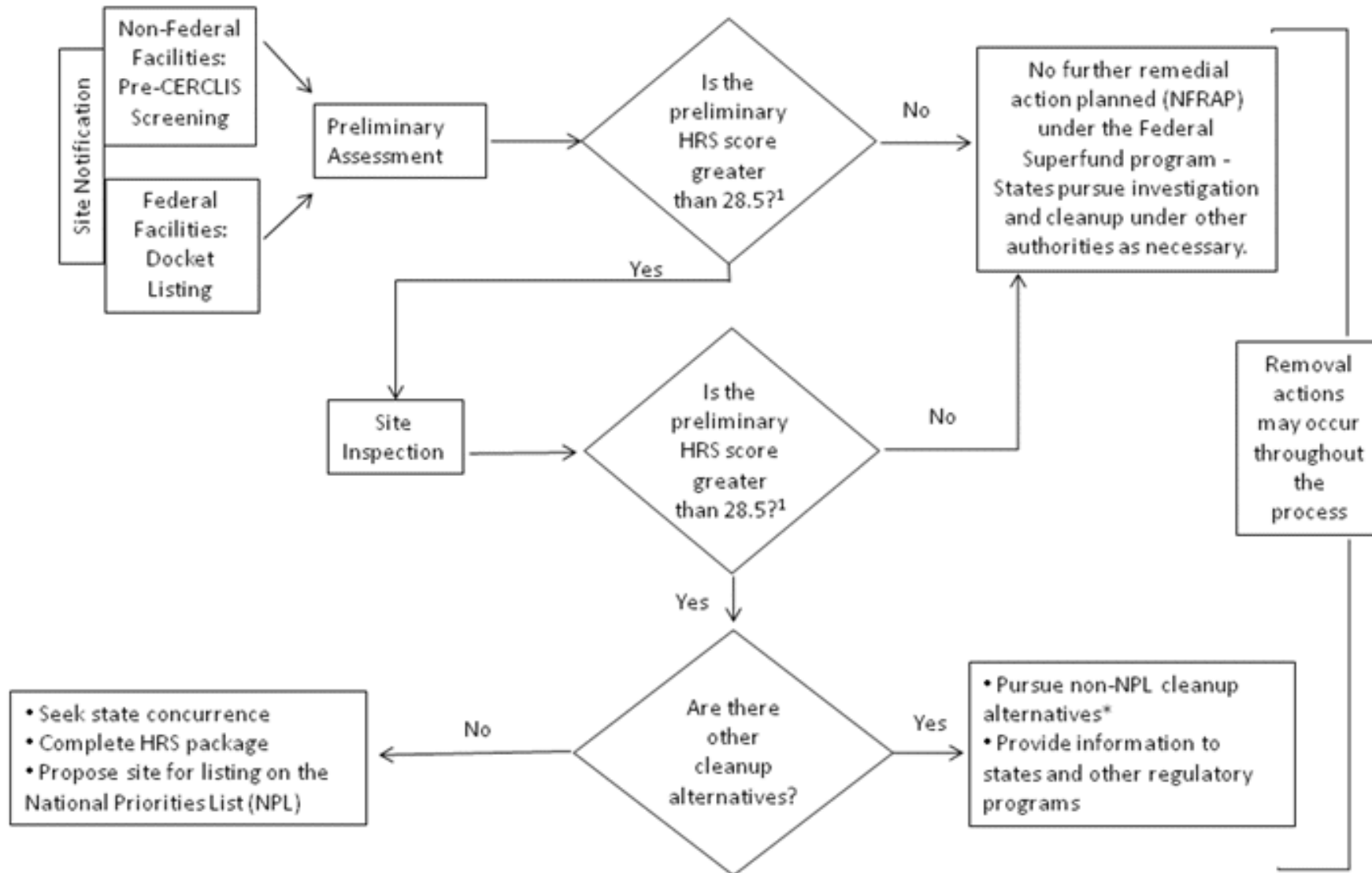
The link to make public comments to USEPA is - <https://www.regulations.gov/docket/EPA-HQ-OLEM-2024-0067> under the Browse Document tab.

Main Benefits of a Gelman USEPA Superfund Site

The main USEPA Gelman Superfund Site benefits, based upon similar USEPA Superfund Sites and the USEPA Superfund Program objectives are:

- Active restoration of the aquifer to a protective drinking water criterion, regardless of whether the plume is in a Prohibition Zone or not with Gelman paying the clean-up costs;
- As a first USEPA priority, extend the municipal drinking water supply to any resident who may be potentially adversely impacted by the dioxane contaminated groundwater at a Gelman cost;
- Halt the expansion of the dioxane plume with an active remedial technology;
- The active remedial action would prevent the potential dioxane contamination of Barton Pond, so no additional Contingency Plan would be required to protect Barton Pond;
- The USEPA will require a monitoring well network which will establish the full extent and magnitude of the dioxane plume, including the Old West Side and West Park Area of the City;
- The USEPA will implement a comprehensive Residential Drinking Water Well Sampling & Analysis Program using the most sensitive dioxane analytical method (e.g., Method 522);
- The USEPA offers Community Grants (e.g., \$50K) to support public input into the Superfund Site cleanup process; and
- The USEPA has the technical, administrative and legal resources to establish a protective Administrative Order and provide high quality oversight of Gelman in the clean-up with the backing of the US Department of Justice and USEPA Regional Counsel.
- The USEPA federal Administrative Order will replace the State 4th Amended CJ.

Superfund Site Assessment Flow Diagram



¹Preliminary HRS scores are further refined as sites progress through the process. Consequently, a preliminary HRS score greater than 28.5 does not mean that a site would ultimately qualify for the NPL.

* E.g., RCRA, state voluntary cleanup program.