

ATTORNEY GENERAL, et al v GELMAN SCIENCES, INC.

(Washtenaw County Circuit Court No. 88-34734-CE)

ATTACHMENT F

On _____, 20___, the Washtenaw County Circuit Court (Court) entered the Fourth Amended and Restated Amendment to Consent Judgment (4th Amended CJ) in the matter of State of Michigan v Gelman Sciences Inc., case number 88-34734-CE (Hon. Timothy P. Connors). The 4th Amended CJ, among other things, provides for an expansion of the area covered by the “Prohibition Zone” previously established by the Third Amendment to Consent Judgment in connection with the groundwater cleanup project being undertaken by Gelman Sciences, Inc., (“Gelman”). The 4th Amended CJ, with limited exceptions, continues to prohibit the consumption or use of groundwater within the “Prohibition Zone” depicted on the map set forth below. The restrictions on groundwater use with in the Prohibition Zone and the map depicting the Prohibition Zone are also set forth at [LINK]. Gelman will provide, at its expense, connection to the City of Ann Arbor municipal water supply to replace any private drinking water wells within the newly established boundaries of the Prohibition Zone that must be abandoned. Such well abandonment and replacement will be performed in accordance with all applicable regulations and procedures at the expense of Gelman. Any private property owner within the Prohibition Zone that is aware of the existence of a water supply well on her or his property should contact Dan Hamel using the contact information listed below to arrange for well abandonment and if applicable, replacement, as provided in the 4th Amended CJ.

Dan Hamel
Project Coordinator
Michigan Department
of Environment, Great
Lakes, and Energy,
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Division
301 East Louis Glick Highway
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You may contact Gelman at:

Lawrence Gelb
Project Coordinator
Gelman Sciences, Inc.
642 S. Wagner Road
Ann Arbor, MI 48106

Prohibition Zone Institutional Control Restrictions on Groundwater Use

Pursuant to MCL 324.20121(8) and the Fourth Amended and Restated Consent Judgment, entered in *Attorney General v Gelman Sciences, Inc.*, Washtenaw County Circuit Court Case No. 88-34734-CE, the following land and resource use restrictions shall apply to the “Prohibition Zone” depicted on the map below:

- a. The installation by any person of a new water supply well in the Prohibition Zone for drinking, irrigation, commercial, or industrial use is prohibited.
- b. The Washtenaw County Health Officer or any other entity authorized to issue well construction permits shall not issue a well construction permit for any well in the Prohibition Zone.
- c. The consumption or use by any person of groundwater from the Prohibition Zone is prohibited.
- d. The prohibitions listed in Subsections a–c, above, do not apply to the installation and use of:
 - i. Groundwater extraction and monitoring wells as part of Response Activities approved by EGLE or otherwise authorized under Parts 201 or 213 of the Natural Resources and Environmental Protection Act (“NREPA”), or other legal authority;
 - ii. Dewatering wells for lawful construction or maintenance activities, provided that appropriate measures are taken to prevent unacceptable human or environmental exposures to hazardous substances and comply with MCL 324.20107a;
 - iii. Wells supplying heat pump systems that either operate in a closed loop system or if not, are demonstrated to operate in a manner sufficient to prevent unacceptable human or environmental exposures to hazardous substances and comply with MCL 324.20107a;
 - iv. Emergency measures necessary to protect public health, safety, welfare or the environment;
 - v. Any existing water supply well that has been demonstrated, on a case-by-case basis and with the written approval of EGLE, to draw water from a formation that is not likely to become contaminated with 1,4-dioxane emanating from the Gelman Property. Such wells shall be monitored for 1,4-dioxane by Defendant at a frequency determined by EGLE; and
 - vi. The City of Ann Arbor’s Northwest Supply Well, provided that the City of Ann Arbor operates the Northwest Supply Well in a manner that does not prevent its municipal water supply system from complying with all applicable state and federal laws and regulations.

[Insert Prohibition Zone Map]