

## **Resolution on the Fourth Consent Judgement Negotiated for Groundwater Remediation of the Gelman 1,4-dioxane plume.**

**Voted by acclamation by the City of Ann Arbor Environmental Commission on October 5, 2020**

WHEREAS, The 1,4-dioxane groundwater plume continues advancing eastward down Allen Creek drain toward the river below Argo Dam, and northward more slowly, toward the Huron River and Barton Pond, the source of 85% of the City's drinking water supply.

WHEREAS, The Court has released for public inspection details of a proposed Fourth amendment to the consent judgment governing the cleanup of the plume.

WHEREAS, The ineffectual *in situ* dilution and dispersion mitigation strategy is permitted to continue under this agreement, rather than the implementation of a more aggressive clean-up strategy.

WHEREAS, Treated water would be discharged into First Sister Lake -- one of two natural lakes in the city -- despite the absence of effective studies of the impact on the health of the lake. The Gelman wastewater discharge would likely greatly harm the wetland and wildlife.

WHEREAS, There are no hydrological studies nor contingency plans for either contamination or flooding risks to valuable natural features, or to public and private properties adjacent to First Sister Lake and its drainage to Honey Creek.

WHEREAS, Under EGLE management the establishment of a Prohibition Zone has been implemented instead of active groundwater extraction and treatment, thereby, manifesting a "dilution is the solution to pollution" remedy which allows the dioxane plume to expand and further degrade the State's groundwater resources.

WHEREAS, Examples of more aggressive treatment using better technologies are documented for similar groundwater plumes in Bethpage, NY and Tucson, AZ among other sites.

WHEREAS, There are no technical performance criteria declared for lasting groundwater remediation that protects human and ecological health, especially as regulatory limits **could** become more stringent.

WHEREAS, The lack of transparency regarding the availability of data and related analyses limits the effective assessment of the proposed Consent Judgement.

WHEREAS, The City of Ann Arbor would be required to restrict legal remedies currently available, especially its ability to request Superfund status and involve the Environmental Protection Agency.

WHEREAS, There has been no order made to the company to comply with the current environmental standards set in State law.

RESOLVED, That the Ann Arbor Environmental Commission strongly recommends that the Ann Arbor City Council reject the Proposed Fourth Amended and Restated Consent Judgement as submitted, and the Proposed Settlement Agreement between Gelman and City of Ann Arbor, as submitted.

RESOLVED, That remediation activities under the Third amendment of the Consent Judgement continue with updated criteria of 7.2 ppb for drinking water and 280 ppb Ground Surface Interaction (GSI). This could be accomplished by remaining with the current orders (Third amendment), and simply ordering the company to comply with current law.

RESOLVED, That all datasets analyzing the plume be generated by a neutral third party and made publicly available on a quarterly basis, after a timely peer review process.

RESOLVED, That City staff appoint a peer-review panel to evaluate all technical datasets and evaluations pertinent to protecting residents from 1,4-dioxane exposures through all routes, including vapor intrusion.

RESOLVED, That City Council demand performance criteria of 7.2 ppb for drinking water and 280 ppb GSI cleanup standards throughout the present and future plume, in accordance with current State standards.

RESOLVED, That no discharges of treated groundwater be discharged into First Sister Lake or any other natural water feature; or to any drinking water supply if the discharge exceeds drinking water standards.

RESOLVED, That all dioxane contamination be treated using the best technology available.

RESOLVED, That the City retain the right to pursue all available legal remedies.