



## Legislation Text

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**File #:** 13-1043, **Version:** 2

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Resolution Urging the Michigan Department of Environmental Quality (MDEQ) to Set Responsible Cleanup Criteria for the 1,4 Dioxane Plume, Based on EPA Standards

Whereas, Thousands of residents of The City of Ann Arbor and neighboring municipalities including Scio Township, Ann Arbor Township, have been working for over 20 years for the protection of the surface and ground waters of the State from the continuing threat and actual contamination from 1, 4-dioxane contamination originating at the Pall/Gelman Sciences, Inc. ("PGSI") Wagner Road facility, and for effective containment and proper treatment of waters already impacted by the contamination;

Whereas, The Michigan Department of Environmental Quality (MDEQ) establishes generic cleanup criteria for hazardous substances under the authority of Part 201 of the Michigan Natural Resources and Environmental Protection Act, that are intended to be protective of human health and the environment from a variety of exposure pathways;

Whereas, These criteria are used by MDEQ in enforcement actions against polluters and other liable parties;

Whereas, The current MDEQ 1,4-dioxane generic residential drinking water cleanup criterion was set a number of years ago at 85 parts per billion (ppb) to result in a one-in-a-hundred-thousand (1 in 100,000) residual cancer risk;

Whereas, In 2010, US EPA published a toxicological review of 1,4-dioxane recommending a steeper cancer slope factor, effectively lowering the drinking water residual cancer risk levels to 35 ppb for 1 in 10,000 and 3.5 ppb for 1 in 100,000;

Whereas, The US EPA has categorized 1,4-dioxane as a non-threshold carcinogen;

Whereas, California and Illinois lowered their drinking water guidance levels to 1 ppb, while Massachusetts set its guidance at 0.3 ppb;

Whereas, The MDEQ missed its self-imposed deadline of December 2012 to set new standards or cleanup criteria for 1,4-dioxane, which were to be based on the EPA toxicological review;

Whereas, The MDEQ's deadline for revising the cleanup criteria administrative rules was extended until December 31, 2013; however it appears to be unlikely that the MDEQ will meet that deadline;

Whereas, The Pall-Gelman plume has been of ongoing concern to Ann Arbor and surrounding communities given the risks to public, human health and the environment;

Whereas, The footprint of the Pall-Gelman 1,4-dioxane plume continues to expand, although the extent of that expansion is not clearly defined;

Whereas, Additional data and modeling, are needed to help define and predict the areas, direction and rate of expansion of its 1,4-dioxane plume;

Whereas, Ann Arbor has been unsuccessful in its efforts to be considered by the Circuit Court for Washtenaw County as an interested party in the lawsuit brought by the Michigan Attorney General on behalf of the MDEQ against Pall-Gelman regarding the Pall-Gelman 1,4-dioxane plume and its cleanup; and

Whereas, Pall-Gelman has not been required by the MDEQ and the Circuit Court for Washtenaw County to predict with sufficient accuracy the areas, direction and rate of expansion of its 1,4-dioxane plume;

RESOLVED, That the City of Ann Arbor City Council urges the MDEQ to protect the public health and environment of Michigan under the authority delegated to the State under the Clean Water Act;

RESOLVED, That the City of Ann Arbor City Council urges the MDEQ to use the best science now available from EPA, including but not limited to the classification of 1,4-dioxane as a non-threshold carcinogen, to set cleanup criteria that are protective of public health and the environment for 1,4-dioxane and other chemicals;

RESOLVED, That the City of Ann Arbor City Council directs the city administrator and city staff to explore other actions available to the city, including but not limited to meeting with the MDEQ to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume;

RESOLVED, That the City of Ann Arbor City Council directs the city administrator and city staff to explore other actions available to the city, including but not limited to meeting with and petitioning the EPA to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume, and to cooperate with other local units of government to ensure protection of public health and the environment; and

RESOLVED, That a copy of this resolution be sent to the Washtenaw County delegation to the Michigan Legislature, the Governor of the State of Michigan, the Director of the Michigan Department of Environmental Quality and Congressman John D. Dingell.

Sponsored by Briere, Warpehoski and Hieftje

**As Amended by Ann Arbor City Council on September 3, 2013**