



Legislation Text

File #: 16-1571, **Version:** 1

Resolution Regarding Efforts Relative to the Gelman 1,4-Dioxane Plume Litigation

Whereas, Gelman Sciences, Inc. d/b/a Pall Life Sciences (“Gelman” or “Pall Life Sciences”) contaminated groundwater in and around Ann Arbor with 1,4-dioxane over a period of many years, which resulted in plumes of 1,4-dioxane contamination in the aquifers under the City of Ann Arbor and adjacent areas;

Whereas, The City stopped using the Northwest Supply well in 2001 due to 1,4-dioxane contamination being detected in the well water at low levels;

Whereas, The City filed lawsuits against Gelman in state and federal courts (the “City cases”), but reached a settlement in late 2006 that included acceptance by the City of a \$500,000 settlement from Gelman;

Whereas, The settlement in the City cases establishes a set of criteria under which Gelman will have the obligation to pay the City \$4,000,000 due to an increase in 1,4-dioxane concentrations at the Northwest supply well;

Whereas, Due to the methodology used by Gelman for treatment of 1,4-dioxane, the City required Gelman to test the Huron River for Bromate as part of the settlement of the City cases;

Whereas, In a lawsuit brought by the State of Michigan against Gelman Sciences (the “State case”), the Michigan Department of Environmental Quality (“MDEQ”) entered into a consent judgment with Gelman Sciences in 1992 that was amended in 1996, 1999, and 2011;

Whereas The MDEQ is responsible for oversight of the continuing risk mitigation and cleanup of the 1,4-dioxane plumes;

Whereas, The MDEQ has promulgated an emergency rule that lowered the drinking water cleanup criterion for 1,4-dioxane from 85 ppb to 7.2 ppb- a cleanup criterion more consistent with current science and established a residential vapor intrusion screening criterion of 29 ppb;

Whereas, Shallow groundwater testing on the west side of Ann Arbor performed this summer indicated 3 out of 16 shallow groundwater test wells have the presence of either 1,4 Dioxane or 1,1,1-trichloroethane;

Whereas, The MDEQ has informed homeowners in areas where traces of these chemicals were found in the shallow groundwater testing, but has not provided information regarding the impact of these findings;

Whereas, The findings from the shallow groundwater testing demonstrate a new potential exposure pathway for 1,4-dioxane that was not considered by the Court when, as part of and in connection with

amendments to the consent judgment in the State case, it approved and ordered a Prohibition Zone within the City in which drinking and irrigation wells are prohibited, and set a limit of 2,800 ppb 1,4-dioxane east of Maple Road;

Whereas, The findings create concern for residents, homeowners and business owners in affected areas;

Whereas, The potential for additional and increasing concentrations of shallow groundwater contamination exists, and the MDEQ acknowledges that the extent of shallow groundwater contamination is unknown;

Whereas, Danaher, the current parent company of Gelman Sciences, Inc., responded to a letter from local governments, but provided no new information suggesting a change in communication or strategy with affected local governments; and

Whereas, The MDEQ has requested \$700,000.00 in State funding, which became available on October 1, to support remediation and community engagement relative to Gelman's 1,4-dioxane contamination;

RESOLVED, the City Council directs and authorizes the City Administrator and the City Attorney to take such steps as they believe are necessary and appropriate to seek intervention in the State case to protect the City's interests in any potential amendments to the consent judgment presently entered into between the MDEQ and Gelman and to further protect the health, welfare and safety of the public and the environment and to otherwise protect the property and interests of the City.

Sponsored by: Mayor Taylor