

DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIATION AND REDEVELOPMENT DIVISION
ESTABLISHMENT OF CLEANUP CRITERIA FOR 1,4-DIOXANE

EMERGENCY RULE

Filed with the Secretary of State on

This rule takes effect upon filing with the Secretary of State and shall remain in effect for 6 months.

(By the authority conferred on the Department of Environmental Quality by 1994 PA 451, 1969 PA 306, MCL 324.20104(1), MCL 324.20120a(17), and MCL 24.248)

FINDING OF EMERGENCY

This rule is promulgated by the Department of Environmental Quality to establish cleanup criteria for 1,4-dioxane under the authority of Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The Department of Environmental Quality finds that releases of 1,4-dioxane have occurred throughout Michigan that pose a threat to public health, safety, or welfare of its citizens and the environment. For example, the known area of 1,4-dioxane groundwater contamination in Ann Arbor covers several square miles defined by a boundary of 85 parts per billion, the residential cleanup criterion that was in effect prior to October 27, 2016. The extent of 1,4-dioxane groundwater contamination that is less than 85 parts per billion, but greater than 7.2 parts per billion, is yet to be delineated. The cleanup criterion for 1,4-dioxane, initially established in 2002, was determined to be outdated and not protective of public health with respect to the drinking water ingestion pathway in the October 27, 2016 Emergency Rule (Emergency Administrative Rule Number 2016-063 EQ). This rule reaffirms the establishment of the 1,4-dioxane cleanup criterion for the drinking water ingestion pathway at 7.2 parts per billion.

In addition, the October 2016 Emergency Rule established a vapor intrusion screening criterion for protection of the volatilization to indoor air pathway. This rule does not reaffirm the screening criterion for protection of the volatilization to indoor air pathway of 29 parts per billion because the Department of Environmental Quality has received public comments on a separate rulemaking package that leads the Department of Environmental Quality to conclude that that number is not based on the best available scientific information. The Department of Environmental Quality will address the volatilization to indoor air pathway in the comprehensive rulemaking process. The drinking water criterion is calculated using the latest United States Environmental Protection Agency toxicity data for the chemical 1,4-dioxane and the


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Department of Environmental Quality's residential exposure algorithms to protect both children and adults from unsafe levels of the chemical.

The Department of Environmental Quality, therefore, finds that the 2002 cleanup criteria for 1,4-dioxane is not protective of public health with respect to the drinking water ingestion pathway, which, therefore, requires the promulgation of an emergency rule without following the notice and participation procedures required by sections 41, 42, and 48 of 1969 PA 306, as amended, MCL 24.241, MCL 24.242, and MCL 24.248 of the Michigan Compiled Laws.

Rule 1. The residential drinking water cleanup criterion for 1,4-dioxane in groundwater is 7.2 parts per billion.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY


C. Heidi Grether
Director

Pursuant to Section 48(1) of 1969 PA 306, as amended, MCL 24.248(1), I hereby concur in the finding of the Department of Environmental Quality that circumstances creating an emergency have occurred and the public interest requires the promulgation of the above rule.


Governor

4/27/17
Date