
From: Kolon, Sybil (DNRE)
Sent: Wednesday, November 17, 2010 3:10 PM
To: Kolon, Sybil (DNRE)
Subject: Gelman - Periodic DNRE Update - Tentative Agreement on Modifications

The purpose of this note is to inform you of a recent development relating to the Gelman Sciences site.

On November 15, in response to a scheduling order from the Washtenaw County Circuit Court (Court), a "Notice of Tentative Agreement on Proposed Modifications to Remedial Objectives for Gelman Site" (Tentative Agreement) was filed with the Court. A hearing is currently scheduled for 3 PM on November 24; however, that date is subject to change (the Court's calendar currently indicates the hearing will be at 1:30 PM; please check the web site to confirm the time: <http://washtenawtrialcourt.org/calendar/DES>).

The Tentative Agreement that was filed with the Court, including attachments, is available at the following link:

http://www.michigan.gov/documents/deq/deq-rrd-GS-NoticeOfTentativeAgreementOnProposedModifications-11-2010_338501_7.pdf

The proposed modifications to the remedial objectives will require modification of the 1992 Consent Judgment between the parties, which is to be submitted to the Court on December 15. Any issues that cannot be resolved during the drafting of the Consent Judgment modifications will be submitted to and decided by the Court.

The Department of Natural Resources and Environment (DNRE) is preparing an Information Bulletin and is planning a public meeting to explain the modifications. A date for the public meeting has not been set, but will be announced in December, and will probably be held in January 2011.

Following is a summary of the proposed modifications. Applicable law allows Gelman to propose such modifications and requires the DNRE to approve the changes if they comply with the requirements of the law. Modifications require the Court's approval in this case under the terms of the existing Consent Judgment. Additional details are included in the Tentative Agreement and will also be provided at the DNRE's public meeting and in the forthcoming DNRE Information Bulletin.

Pall Life Sciences (PLS) is currently required to remediate all 1,4-dioxane groundwater contamination west of Wagner Road and in the Evergreen Subdivision area to the current cleanup criterion of 85 parts per billion. Interim responses are ongoing in the Unit E plume at Wagner Road and south of the Evergreen Subdivision, as required by the Unit E Order.

Eastern Area (east of Wagner Road) - The modifications would expand the Prohibition Zone (established by Court order, May 2005) into the Evergreen Subdivision area. Extraction will be required in the Evergreen Subdivision area until DNRE approves termination. PLS will be required to monitor the groundwater contamination to ensure that any potential migration outside of the Prohibition Zone above applicable criteria is detected before such migration occurs. The state and PLS agree that this is unlikely. If monitoring detects the potential for migration outside of the expanded Prohibition Zone boundary, PLS is required to implement a DNRE-approved investigation and feasibility study to determine if additional response actions are necessary, and to implement those actions.

Western Area (west of Wagner Road) - The requirement to remediate all groundwater contamination would be removed (except for the plume northwest of Little Lake); however, PLS would be required to continue groundwater extraction until it can be demonstrated that the plume would not expand after

extraction is terminated. Upon DNRE's concurrence that extraction is no longer necessary to contain any remaining contamination, PLS would be required to obtain deed restrictions (with the permission of the property owners) before receiving DNRE approval to terminate extraction.

Long-term monitoring will be required in both areas once the interim responses are complete.

Recipients of this note also receive periodic listings of documents recently posted on the DNRE's Gelman web site. Click on the following link:

http://www.michigan.gov/deq/0,1607,7-135-3311_4109_9846_9847-71595--,00.html

or enter <http://www.michigan.gov/deqrrd>, then scroll to "Contaminated Sites List" and click on "Gelman Sciences, Inc. Site of Contamination".

Documents related to the Gelman site can also be reviewed at the Gelman Information Repositories, listed below, although paper copies of documents are no longer being sent to these locations, unless they are not available in digital format. These documents are also available for review at the DNRE's Jackson District Office, by appointment. The Ann Arbor Public Library has indicated it intends to print all of the documents for their Gelman Information Repository.

Ann Arbor District Library
Downtown Library
343 South Fifth Avenue
734-327-4200

Scio Township Hall
827 North Zeeb Road, Ann Arbor
734-665-2123

City of Ann Arbor Water Utilities Department
100 North Fifth Avenue
Contact: Venita Harrison 734-994-8286

Washtenaw County Department of Planning
and Environment
705 North Zeeb Road, Ann Arbor
Contact: Michael Gebhard 734-222-3855

Please contact me if you have any questions or would like to be removed from or added to this distribution list.

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