

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

JENNIFER M. GRANHOLM, Attorney
General for the State of Michigan, ex rel,
MICHIGAN NATURAL RESOURCES
COMMISSION, MICHIGAN WATER
RESOURCES COMMISSION, and
MICHIGAN DEPARTMENT OF
ENVIRONMENTAL QUALITY,

Plaintiffs,

File No. 88-34734-CE

v

Honorable Melinda Morris

GELMAN SCIENCES, INC.,
a Michigan corporation,

Defendant.

SECOND AMENDMENT TO CONSENT JUDGMENT

A Consent Judgment was entered in this case on October 26, 1992. The Consent Judgment requires Defendant, Gelman Sciences, Inc., to implement various remedial actions to address environmental contamination in the vicinity of Defendant's property in Scio Township, subject to the approval of the Michigan Department of Environmental Quality ("MDEQ").

The Consent Judgment was amended by stipulation of the parties and Order of the Court on September 23, 1996 ("First Amendment of Consent Judgment").

In February 1997, Defendant Gelman Sciences, Inc.'s assets and liabilities were purchased by Pall Acquisitions, Inc., and Defendant is now known as Pall/Gelman Sciences, Inc. ("Pall/Gelman").

Defendant has requested the MDEQ to approve two new alternative disposal methods for the purged groundwater from the Evergreen Subdivision Area System.

The first alternative would allow pumping of the purged groundwater from the Evergreen Subdivision Area through an underground pipeline to the Gelman facility at 600 Wagner Road for treatment in the Core Area Treatment System and disposal through the disposal method being employed by the Core Area System at that time. The second alternative would allow pumping water, already treated in the Evergreen Treatment System, to the Core for disposal through the disposal method being employed by the Core Area System at that time.

THEREFORE, the Parties agree to this Second Amendment to the Consent Judgment ("Second Amendment") and such Second Amendment is ordered, adjudged, and decreed as follows:

FIRST, modify Section V.A.5.c. to read as follows:

c. Storm Drain Discharge. Use of the storm drain is conditioned upon issuance of an NPDES permit and approval of such use by the City of Ann Arbor and the Allen Creek Drainage District. Discharge to the Huron River via the Ann Arbor stormwater system shall be in accordance with the NPDES permit and conditions required by the City and the Drainage District. If the storm drain is to be used for disposal, no later than twenty-one (21) days after permission is granted by the City and the Drainage District to use the storm drain for continuous disposal of purged groundwater, Defendant shall submit to MDEQ, the City of Ann Arbor, and the Drainage District for their review and approval a protocol under which the purge system shall be temporarily shut down: (i) for maintenance of the storm drain; and (ii) during storm events to assure that the stormwater system retains adequate capacity to handle run-off created during such events. The purge system shall be operated in accordance with the approved protocol for temporary shutdown.

SECOND, add a new Section V.A.5.d. to read as follows:

d. Pipeline To Core Area System.

(i) Installation of Pipeline. Installation of a pipeline to the Core Area

System is conditioned upon approval of such installation by the MDEQ. If the pipeline is proposed to be installed on public property, the pipeline installation is conditioned upon approval of such installation by the City of Ann Arbor, Scio Township, and the Washtenaw County Road Commission, if required by statute or ordinance, or by Order of the Court pursuant to the authority under MCLA §324.20135a. Defendant shall design the pipeline in compliance with all state requirements and install the pipeline with monitoring devices to detect any leaks. If leaks are detected, the system will automatically shut down and notify an operator of the condition. In the event that any leakage is detected, Defendant shall take any measures necessary to repair any leaks and perform any remediation that may be necessary. To reduce the possibility of accidental damage to the pipeline during any future construction, the location of the pipeline will be registered with MISS DIG System, Inc.

(ii) Transportation of Untreated Groundwater. Defendant's option to use a pipeline to transport untreated groundwater extracted from the Evergreen System well(s) to the Core Area System for treatment and disposal is also subject to the following conditions. Before using such a pipeline for that purpose, Defendant shall submit and receive MDEQ approval of a written demonstration that the Core Area System has continuously operated in full compliance with the requirements of this Consent Judgment and applicable permit(s) in the immediately preceding six (6) months and that the Core Area System has sufficient additional treatment capacity to reliably treat, in full compliance with this Consent Judgment and applicable permit(s), all the additional groundwater Defendant proposes to transmit from the Evergreen System through the pipeline. In addition, Defendant shall submit and receive MDEQ approval of a plan for this use of the pipeline.

(iii) Transportation of Treated Groundwater. Defendant's option to use a pipeline to transport groundwater, already treated by the Evergreen Treatment System, to the Core Area for disposal through the NPDES permit discharge point

into the Honey Creek, is subject to the following conditions. Before using such a pipeline for that purpose, Defendant shall submit and obtain MDEQ approval of a written demonstration that sufficient additional discharge capacity exists to handle the combined discharge flow from the Core Area System and the anticipated discharge flow from the Evergreen System. In addition, Defendant shall submit and obtain MDEQ approval of a plan for this use of the pipeline. Any treated flows from the Evergreen Treatment System being discharged at the Core System shall meet the current NPDES permit limits for the Honey Creek discharge.

(iv) Nothing in this subsection shall relieve Defendant of its obligations to: (a) continuously operate the Evergreen System and to properly treat and dispose of contaminated groundwater in compliance with the Consent Judgment and applicable permit(s), using one or more of the other options for disposal, as necessary; and (b) continuously operate the Core Area System to properly treat and dispose of contaminated groundwater in compliance with the Consent Judgment and applicable permit(s).

The Parties to the Second Amendment agree that no changes in the Consent Judgment other than those specified above are intended by this Second Amendment. The Parties further agree that entry of this Second Amendment shall not constitute a waiver by either party of its respective legal position regarding the applicability of the requirements of Part 201 of the Natural Resources and Environmental Protection Act to the MDEQ's review, consideration and approval of response activities to be performed by Defendant pursuant to the Consent Judgment.

IT IS SO STIPULATED AND AGREED:

PLAINTIFFS



Russell J. Harding
Director
Michigan Department of
Environmental Quality

Dated: 10/20/99

Approved as to form:
Assistant Attorneys General
Natural Resources Division
Attorneys for Plaintiff



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Attorneys for Plaintiffs

Dated: 10-19-99

IT IS SO STIPULATED AND AGREED:

DEFENDANT



Mary Ann Bartlett, Secretary
PALL/GELMAN SCIENCES, INC.

9-13-99

Dated: _____

Approved as to form:
Plunkett & Cooney, P.C.
Attorneys for Defendant
Gelman Sciences, Inc.



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Dated: 9-7-99

IT IS SO ORDERED AND ADJUDGED this 20 day of October, 1999.

S/MELINDA MORRIS

HONORABLE MELINDA MORRIS
Circuit Court Judge

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