
From: Michael Caldwell [MCaldwell@zkact.com]
Sent: Tuesday, January 20, 2009 4:48 PM
To: Kolon, Sybil (DEQ); Farsad_Fotouhi@pall.com
Cc: jwbrode@ftch.com; Cogger, Jim (DEQ); Adelman, Mitch (DEQ); Gill, Celeste (AG); Wasserman, Alan
Subject: RE: Nancy drive MW cluster

Celeste, as indicated in Farsad's response to Ms. Kolon's recent request for a monitoring well cluster in the Nancy Drive area, PLS is not willing to comply with this request, at least at this time. Given the specificity of the request and the deadline imposed for PLS' response, PLS is constrained to invoke the dispute resolution procedures of the Consent Judgment. Pursuant to the Consent Judgment, Section XVI.A., this dispute is subject to an informal negotiation period of 10 working days.

In the past, the parties have agreed to extend the negotiating period indefinitely in situations where it was in their mutual interest to continue to try to work out the dispute or if other more pressing matters required our attention. I suggest that we do that again here, given the significant issues we are now working on. Please let me know if you will agree to extend the negotiating period in this manner.

Michael L. Caldwell
Zausmer, Kaufman, August, Caldwell & Tayler, P.C.
31700 Middlebelt Rd., Ste. 150
Farmington Hills, Michigan 48334
(248) 851-4111 (p)
(248) 851-0100 (f)

-----Original Message-----

From: Farsad_Fotouhi@pall.com [mailto:Farsad_Fotouhi@pall.com]
Sent: Tuesday, January 20, 2009 4:42 PM
To: Sybil Kolon
Cc: Adelman, Mitchell; Wasserman, Alan; Cogger, James; Gill, Celeste; Michael Caldwell; jwbrode@ftch.com
Subject: Re: Nancy drive MW cluster

Sybil:

As we have discussed on numerous occasions since at least 2007, PLS does not believe that there is any need for a monitoring well, let alone a monitoring well cluster, at this location. The simple fact that there is some distance between monitoring well locations does not, by itself, lead to the conclusion that there is a need for an additional monitoring point.

That decision must be based on analysis of additional factors, including groundwater flow direction, and the exercise of sound professional judgment. The difference between a "data gap" and a "data need" is one that the DEQ has generally recognized during the course of this 20 year project. Consistent with that distinction, the DEQ has never contended that groundwater contamination in the Unit E was flowing from the TW-11 area against known groundwater flow patterns to the north until recently.

Since the DEQ started asking for an additional well in the Nancy Drive area in 2007 (note that this request was for a single well to define the extent of the Unit E contamination, not the well cluster that is now being requested), PLS has installed MW-118 on Ferry, near Wagner Road to delineate the northern edge of the Unit E contamination entering the Prohibition Zone. Groundwater at that location in the Unit E had trace levels of 1,4-dioxane and thus defined the northern edge of the Unit E plume flowing into the Prohibition Zone as requested by the DEQ. PLS then installed MW-121s/d near Ann Arbor Landings, west of Dupont Circle, in response to the DEQ's continued insistence that Unit E contamination from the TW-11 area may be flowing directly toward the Dupont Circle area (and somehow bypassing MW-118). This well was similarly non-detect for 1,4-dioxane and similarly provided another data point to delineate the northern edge of the Unit E contamination.

This data, along with the groundwater flow data that the DEQ had previously relied upon in not seeking a well in the Nancy Drive area, unequivocally established that groundwater contamination in the area of TW-11 flowed east, not northeast (or north), consistent with long-accepted depictions of the groundwater flow patterns in this area. Furthermore, water quality data from Unit E monitoring wells and extraction wells has demonstrated that 1,4-dioxane has declined dramatically in the area south of Nancy Drive. Despite this data, the DEQ continued to insist that another data point in the Nancy Drive area was needed. As a professional courtesy, and as a good faith gesture to save the parties from spending scarce resources fighting about this in Court, PLS went ahead and placed a boring in the Nancy Drive area. PLS' vertical sampling of this boring did not reveal any significant levels of 1,4-dioxane at any depth. Given the absence of significant groundwater contamination and consistent with past practices, PLS did not install a monitoring well at this location.

Based on the above, PLS continues to believe that no monitoring well cluster is needed at this location to delineate the northern edge of groundwater contamination at any depth under the current operating conditions - conditions that have remained generally the same since at least 2000. If significant groundwater contamination has not reached the Nancy Drive area at this point, there is no reason to believe that it will happen in the future, absent a significant change in conditions. As stated during our recent conference call, however, PLS will revisit this issue when it puts together its Performance Monitoring Plan for any modifications to the current cleanup program that might be approved by the parties. It is at this point, and not before then, that further discussion of this issue may be appropriate.

Thank you.

Farsad Fotouhi
Pall Corporation
Office (734) 913-6130
farsad_fotouhi@pall.com

"Sybil Kolon"
<kolons@michigan.gov>

01/20/2009 11:14 AM

"Caldwell, Michael"
<mcaldwell@zkac.com>, Farsad
Fotouhi/AnnArbor/Pall@Pall,
"Wasserman, Alan"
<awasserman@williamsacosta.com>

To

cc

"Adelman, Mitchell"
<ADELMANM@michigan.gov>, Laurel
Beyer/AnnArbor/Pall@Pall, "Coger,
James" <COGERJ@michigan.gov>,
"Gill, Celeste"
<GillCR@michigan.gov>

Subject

Nancy drive MW cluster

Farsad,

On January 6, Jim Coger and I had a conference call with you and Jim Brode to discuss our request for a monitoring well (MW) cluster at the location of boring PLS-08-07 on Nancy Drive. We did not come to agreement at that time, and we agreed to consider your reasons

for not putting in any monitoring wells at this time. You did indicate that at some unspecified time in the future, PLS may be willing to put in MWs to address DEQ concerns. After consideration and discussion with Mitch and others, we have decided there is no reason to delay installation of this MW cluster.

I have attached my e-mail of January 6, 2009 (which includes our most recent request of Jan. 5 and the follow-up exchange between us on Jan. 6). PLS should proceed to install the requested monitoring well cluster within the next 30 days. Please inform me of your response by January 27, 2009.
Sybil

Sybil Kolon
Jackson District Office
Remediation and Redevelopment Division
Department of Environmental Quality
301 E. Louis Glick Hwy.
Jackson, MI 49201
phone: 517-780-7937
fax: 517-780-7855
e-mail: kolons@michigan.gov

----- Message from "Sybil Kolon" <kolons@michigan.gov> on Tue, 6 Jan 2009
10:18:56 -0500 -----

To: Farsad_Fotouhi@pall.com

cc: "Adelman, Mitchell" <ADELMANM@michigan.gov>, "Beyer, Laurel" <laurel_beyer@pall.com>, "Caldwell, Michael" <mcaldwell@zkac.com>, "Coger, James" <COGERJ@michigan.gov>, "Gill, Celeste" <GillCR@michigan.gov>, jwbroke@ftch.com, "Mandle, Richard" <MANDLER@michigan.gov>

Subje Re: PLS-08-07 Update
ct:

Farsad,
Mitch, Jim Coger and I are available for a technical call from 2-2:30 this afternoon. We will be in our conference room G. The phone number is 517-780-7970. Let us know if you will call us or if you want us to call you.

For your information, I am including a link to our letter dated Oct. 31, 2007 (http://www.michigan.gov/documents/deq/deq-rrd-GS-GSIWagnerResponse10-2007_216269_7.pdf) and the memo of same date from Jim Coger (http://www.michigan.gov/documents/deq/deq-rrd-GS-GSIWRIRCommentsMemo_216267_7.pdf), in which we requested a monitor well (nested based on vertical profile results) in the Nancy Drive area.

PLS subsequently installed MW-118 on Ferry near Wagner. That did not address our concerns with defining the extent further west. Our subsequent requests for a well in the Nancy Drive area may have focused on our concern with the source of the Dupont Circle area, but did not negate the need for defining the northern extent of groundwater contamination south of Jackson Road and west of Wagner.

Please confirm your availability for a call at 2 PM and who will call whom.
Sybil

Sybil Kolon
Jackson District Office
Remediation and Redevelopment Division
Department of Environmental Quality
301 E. Louis Glick Hwy.
Jackson, MI 49201
phone: 517-780-7937
fax: 517-780-7855
e-mail: kolons@michigan.gov

>>> <Farsad_Fotouhi@pall.com> 1/5/2009 2:33 PM >>>
Sybil,

We would like to schedule a time to discuss this request. We are available tomorrow at 2:00, and Friday at 9:00.

We are not in agreement with your request to install a set of wells at this location at this time. The reasons you give for installing three wells are clearly not consistent with your original goal of drilling at this location (which is provided below for your reference). As stated in your letter, it was MDEQs position that "inadequate data have been presented to conclude that contamination in the Nancy Drive area is not the source of contamination in the Dupont area". At the time your letter was prepared, PLS strongly believed that MDEQs hypothesis was not supported by empirical data, including water quality from MW-118 and water level and quality data which have clearly shown that groundwater flow from the TW-11 is to the east. Nevertheless, PLS agreed to collect more data in the Nancy Drive area and in the area northwest of Dupont (MW-121s/d) to test MDEQ hypothesis. With these new data, we now believe that we have unequivocally ruled out MDEQs hypothesis that the source of the Dupont area contamination is the area along Nancy Drive. As such, installing wells at the location to address this issue would be an unnecessary diversion of resources. With this recent work, we have also further defined the extent of the plumes to the north, confirming our previous interpretations of the plume boundaries in this area.

The MDEQ is now suggesting the installation of three wells at the Nancy Drive boring for purposes other than originally communicated, including monitoring a plume that may not even be associated with the PLS site. PLS disagrees that positioning well(s) in this location will even address your reasons for installing them. We can discuss this issue further during our discussion.

June 23, 2008 MDEQ Letter from Sybil Kolon to PLS

"It is more appropriate to consider water quality data from the TW-11 boring (about 375 feet southwest of GSI-98-01) to evaluate the possibility that a plume could be migrating from the area near the south end of Nancy Drive toward the Dupont area. First, high concentrations of 1,4-dioxane (3,100 ppb) were found during the boring of TW-11 in December 2001, at a depth similar to the well at 465 Dupont Circle. As noted by Mr. Cogger, Figure 8 of the Dupont Report indicates groundwater flow in the TW-11 area is from the southwest to the northeast, in the direction of the Dupont area. The only boring between TW-11 and MW-118, a distance of 1,800 feet, is GSI-98-01, where PLS has indicated that attempts to collect water quality data were unsuccessful. There is no basis for PLS to assert that the information gathered during the drilling of MW-118 demonstrates that there is no groundwater contamination migrating from the area around Nancy Drive toward the Dupont area. Inadequate data have been presented to conclude that contamination in the Nancy Drive area is not the source of contamination in the Dupont area."

Thank you.

Farsad Fotouhi
Pall Corporation
Office (734) 913-6130
farsad_fotouhi@pall.com

"Sybil Kolon"
<kolons@michigan.>

gov>

01/05/2009 10:38 AM

To
 Farsad Fotouhi/AnnArbor/Pall@Pall
 cc
 "Adelman, Mitchell"
 <ADELMANM@michigan.gov>, "Caldwell,
 Michael" <mcaldwell@zkac.com>,
 "Coger, James"
 <COGERJ@michigan.gov>, "Gill,
 Celeste" <GillCR@michigan.gov>,
 jwbrode@ftch.com, Laurel
 Beyer/AnnArbor/Pall@Pall, "Mandle,
 Richard" <MANDLER@michigan.gov>,
 mnaud@ci.ann-arbor.mi.us

Subject

Re: PLS-08-07 Update

Farsad,
 Mitch, Jim and I have discussed the need for a monitoring well cluster at the Nancy Drive boring location and have gotten input from Rick Mandle. A monitoring well cluster is required at this location for several reasons:

- to define and monitor the northern extent of groundwater contamination throughout the water bearing units in this area
- to evaluate what impact the long term purging (TW-11, South Horizontal Well) has had on vertical and horizontal gradients
- to assess what happens with groundwater flow direction when deep and shallow purging is reduced or stopped

We believe a cluster of three monitoring wells are needed at about 40 and 80 feet, and in the sand and gravel unit encountered between 172-195 feet.

Please give me a call if you would like to discuss. Jim is here today, I will be leaving at 2 PM. We are also available tomorrow.

Sybil

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