

STATE OF MICHIGAN

IN THE CIRCUIT COURT FOR THE COUNTY OF WASHTENAW

ATTORNEY GENERAL FOR THE STATE OF  
MICHIGAN, *ex rel*, MICHIGAN DEPARTMENT  
OF NATURAL RESOURCES AND ENVIRONMENT,

Plaintiffs,

File No. 88-34734-CE

v

Honorable Donald E. Shelton

GELMAN SCIENCES, INC.,  
a Michigan corporation,

Defendant.

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**STIPULATED ORDER AMENDING PREVIOUS REMEDIATION ORDERS**

At a session of said Court, held in the County of Washtenaw  
City of Ann Arbor, State of Michigan, on \_\_\_\_\_

PRESENT: Hon. \_\_\_\_\_  
CIRCUIT COURT JUDGE

## RECITALS

A. A Consent Judgment was entered in this case on October 26, 1992. The Consent Judgment requires Defendant, Gelman Sciences, Inc., to implement various response activities to address environmental contamination in the vicinity of Defendant's property in Scio Township, subject to the approval of the Michigan Department of Natural Resources and Environment ("MDNRE"). The original Consent Judgment was amended by stipulation of the Plaintiffs and Defendant (collectively the "Parties") and Order of the Court on September 23, 1996 and October 20, 1999 (collectively the "Consent Judgment").

B. On November 15, 2010, counsel for the Parties presented the Court with a Notice of Tentative Agreement on Proposed Modifications to Remedial Objectives for Gelman Site ("Notice"), which described proposed changes that the parties had tentatively agreed to make to the remediation program for the Gelman Site.

C. During a hearing held on November 22, 2010, the Court instructed the parties to prepare an amendment to the October 26, 1992 Consent Judgment that was consistent with the proposed changes described in the Notice.

D. Contemporaneously with this Stipulated Order, the Parties are submitting the proposed Third Amendment to the Consent Judgment ("Third Amendment"), which memorializes the changes to the cleanup program described in the previously submitted Notice. By their signatures on the Third Amendment, the Parties stipulate and agree to its entry by the Court.

E. The Court has also supplemented the Consent Judgment with several cleanup related orders, based on information about the nature and extent of contamination acquired after the Consent Judgment and the Amendments were entered, including, Remediation and

Enforcement Order ("REO") dated July 17, 2000, the Opinion and order Regarding Remediation of the Contamination of the "Unit E" Aquifer ("Unit E Order"), dated December 17, 2004, and the Order Prohibiting Groundwater Use ("Prohibition Zone Order"), dated May 17, 2005.

F. Since entry of the REO and the Unit E Order, the parties have further refined their understanding of the nature and extent of contamination at the Gelman Site, which is reflected in the Third Amendment.

The Parties, through their legal counsel, stipulate and agree:

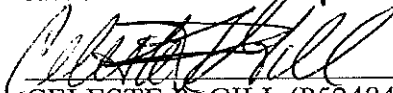
1. To the extent the Third Amendment is inconsistent with any of the requirements of the REO and/or the Unit E Order, the Third Amendment shall govern. In particular, the Third Amendment eliminates and supersedes the following remedial objectives of the REO and Unit E Order:


- a. The REO's requirement that Defendant maintain a combined purge rate for the Evergreen System extraction wells of at least 200 gpm.
- b. The REO's requirement that Defendant implement a plan to reduce the 1,4-dioxane in all affected water supplies below legally acceptable levels within five years.
- c. The Unit E Order's requirement that Defendant prevent, to the extent feasible, groundwater in the Unit E aquifer containing 1,4-dioxane in concentrations above 85 parts per billion (ug/l) from migrating east of Wagner Road.

2. The Court's Prohibition Zone Order will continue in force and is incorporated by reference by the Third Amendment and shall now apply to the "Expanded Prohibition Zone" as described in the Third Amendment, provided that the ability of the Parties under Paragraph 9 of

the Prohibition Zone Order to move the Court to alter the boundaries of the Prohibition Zone (and now Expanded Prohibition Zone) is modified as described in Section V.A.2.b. of the Third Amendment with regard to the northern boundaries.

APPROVED AS TO FORM AND SUBSTANCE:

  
\_\_\_\_\_  
CELESTE R. GILL (P52484)  
Attorney for Plaintiffs

  
\_\_\_\_\_  
MICHAEL L. CALDWELL (P40554)  
Attorney for Defendant

IT IS SO ORDERED.

\_\_\_\_\_  
CIRCUIT COURT JUDGE

LF/Gelman/88-34734-CE/Stip and Order Amending Previous Remediation Orders