

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,
Plaintiff,

And

THE CITY OF ANN ARBOR,
Intervenor,

And

WASHTENAW COUNTY,
Intervenor,

And

WASHTENAW COUNTY HEALTH
DEPARTMENT,
Intervenor,

And

WASHTENAW COUNTY HEALTH OFFICER,
JIMENA LOVELUCK,
Intervenor,

And

THE HURON RIVER WATERSHED COUNCIL,
Intervenor,

And

SCIO TOWNSHIP,
Intervenor,

V.

GELMAN SCIENCES, INC., a Michigan
Corporation,
Defendant.

Case No. 88-034734-CE
Hon. Timothy P. Connors

**INTERVENORS' RESPONSE
IN OPPOSITION TO GELMAN'S
MOTION FOR STAY OF ORDER
SCHEDULING HEARING ON
MODIFICATION OF THE
CONSENT AGREEMENT**

EXHIBIT # 1 TO

**INTERVENORS' RESPONSE IN OPPOSITION TO GELMAN'S MOTION FOR STAY
OF ORDER SCHEDULING HEARING ON MODIFICATION OF
CONSENT AGREEMENT**

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

Filed with the Secretary of State on

These rules take 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

These rules are 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. Recent shallow groundwater investigations in the Ann Arbor area have detected 1,4-dioxane in the groundwater in close proximity to residential homes. 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 current residential cleanup criteria. 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 unknown; and 1,4-dioxane contamination is expected to be present beneath many square miles of the city of Ann Arbor occupied by residential dwellings. The current cleanup criteria for 1,4-dioxane, initially established in 2002, are outdated and are not protective of public health with respect to the drinking water ingestion pathway and the vapor intrusion pathway.

These rules establish the 1,4-dioxane cleanup criterion for the drinking water ingestion pathway at 7.2 parts per billion and the vapor intrusion screening criterion at 29 parts per billion. These criteria are calculated using the latest United States Environmental Protection Agency toxicity data for the chemical 1,4-dioxane and the 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 current cleanup criteria for 1,4-dioxane are not protective of public health with respect to the drinking water ingestion pathway and the vapor intrusion pathway, which, therefore, requires

the promulgation of emergency rules 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.


Rule 2. The residential vapor intrusion screening criterion for 1,4-dioxane is 29 parts per billion.

MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

C. Heidi Grether

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

10-27-16

Date