



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
JACKSON DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

August 23, 2006

Mr. Farsad Fotouhi
Environmental Manager
Pall Life Sciences, Inc.
600 South Wagner Road
Ann Arbor, MI 48103-9019

Mr. Alan D. Wasserman
Williams Acosta, PLLC
2430 First National Bank
Building
Detroit, MI 48226-3535

Mr. Michael L. Caldwell
Zausmer, Kaufman,
August & Caldwell, P.C.
31700 Middlebelt Road,
Suite 150
Farmington Hills, MI 48334

Dear Sirs:

SUBJECT: Gelman Sciences, Inc. Remedial Action
Operation & Maintenance Plans
Extraction and Treatment Systems, January 2006
Mobile Ozone Treatment Unit, March 2006

This letter responds to follow-up correspondence from Pall Life Sciences (PLS) regarding the two Operation & Maintenance (O&M) Plans referenced above. We have reviewed the May 1, 2006 PLS response to our March 29, 2006 letter regarding the Extraction and Treatment Systems O&M Plan, as well as a May 5, 2006 letter from Mr. Wasserman on the same subject. We have also reviewed Mr. Fotouhi's March 9, 2006 electronic mail response to our electronic mail dated March 7, 2006 regarding the Mobile Ozone Treatment Unit O&M Plan.

General Comments

Both O&M Plans are labeled "CONFIDENTIAL/PROPRIETARY". We recognize that Section XXII of the Consent Judgment in this case allows PLS to designate certain documents as confidential or proprietary; however, we believe that entities with responsibility for ensuring the health and safety of the public must have access to the O&M Plans in the event of an emergency. Mr. Wasserman's letter also cites section 13(1)(y) of the Michigan Freedom of Information Act (FOIA) as a basis for PLS's confidentiality claim. Mr. Wasserman's letter states: "We expect DEQ to hold from disclosure the Health & Safety Plan, drawings, emergency response contact information, and *other aspects of the O&M Plan that fit the description of this law.*" (emphasis added) We are not prepared to determine which parts of the O&M Plan may be subject to this section of the FOIA.

Mr. Fotouhi has indicated that the "emergency plans" for the Mobile Ozone Treatment Unit have been made available to the Ann Arbor and Washtenaw County HAZMAT units. It is not apparent what materials are included in the description of "emergency plans". PLS has not indicated that similar documents have also been provided to the Ann Arbor and Washtenaw County HAZMAT units for the Extraction and Treatment Systems. In the event of an emergency at either location, PLS personnel may not always be present and the relevant on-site O&M Plan may not be accessible. Therefore, in the interest of public safety, PLS must provide the entire Health & Safety Plan for both locations, including all attachments, to the Ann Arbor and Washtenaw County HAZMAT units, including all revisions required by this letter, as well as any subsequent revisions. Please provide documentation to this office by October 6, 2006 that this has been done.

In the event of an emergency, the Department of Environmental Quality (DEQ) will, if necessary, provide copies of the O&M Plans and any attachments to emergency response personnel. In all other cases, until further notice, the DEQ will maintain the O&M Plans, and all attachments, in a confidential file and will not disclose them to outside parties before giving PLS five business days notice of its intent to do so, to allow PLS an opportunity to object to such disclosure.

Our review and comments should not be represented as an indication that the DEQ agrees that the incorporation of our comments in the O&M Plans will be adequate to operate and maintain the systems as required. PLS should review and update the O&M Plans as needed.

Extraction and Treatment Systems O&M Plan

Regarding our request that there should be a schedule and procedure for monitoring the condition of the transmission pipelines, PLS refers us to Section 1.1.6, leak detection. The DEQ is concerned that there could be a failure of the south transmission pipeline that could result in a lengthy shutdown of the Evergreen System, as was the case when the north transmission pipeline failed. We do not believe waiting until a leak is detected is an appropriate way to monitor the condition of the pipeline. PLS stated that "coupons" are no longer used since the north transmission pipeline was relined. We are not familiar with this technique, why it failed to detect the problem with the north transmission line, or why it is not suitable for use in the south transmission line. PLS should investigate other methods for monitoring the condition of the pipelines that can be added to the O&M Plan.

Extraction well AE-2 has been plugged and this should be referenced in the O&M Plan.

Mobile Ozone Treatment Unit O&M Plan

Introduction

The text on page one states that IW-3 is north of TW-19 and IW-4 is south of TW-19. Figures and boring logs show them in the reverse locations. Please clarify the locations and provide corrected information for the O&M Plan. Injection well IW-5 has replaced IW-3; this information should be added to the O&M Plan.

Extraction Well

This section should be updated to include information on the new pump installed in March 2006. This section should also include information on the operation and maintenance of the extraction well, similar to what was provided with the Extraction and Treatment Systems O&M Plan.

Injection Wells

This section should include the operable range of flow rates and system pressures for normal operation, and should specify how it will be determined that rehabilitation needs to be scheduled. Language regarding rehabilitation procedures should reference appropriate regulations and standards.

Shutdown Parameters

This section should state the current limits for reinjection of 1,4-dioxane (85 ppb) and bromate (10 ppb). If these limits change, this section can be updated.

The O&M Plan indicates that if an exceedance is detected, the system will be shut down and the operator will diagnose and repair or adjust the system before re-starting. This groundwater discharge is regulated under the authority of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA) and the Part 31 Administrative Rules. Specifically, Rule 323.2227(2)(a) provides for the DEQ to require additional monitoring if a discharge limit is exceeded.

Mr. Fotouhi has informed us that turn-around time for analysis is 24 hours during normal operations. Mr. Fotouhi also indicated that the operator is notified if the system is not operating within established parameters, in which case a sample is collected and the results reported within 45 minutes. Because there is no holding capacity for the treated effluent to ensure the treatment system is meeting the limits when it is turned back on, a more intensive sampling schedule, with a quick turn-around time, should be followed after resumption of the discharge. Please provide a more intensive sampling procedure in the O&M Plan to be used in the event that any of the discharge limits are exceeded. Depending on the circumstances of the exceedance, the DEQ may require that additional actions be taken.

Operation

A leak detection procedure must be added to this section.

Performance Monitoring

Our comments on performance monitoring will be included in response to PLS's Feb 3, 2006 Performance Monitoring Plan for the Maple Road Interim Response and the July 17, 2006 Performance Review, Maple Road Interim Response.

Treatment System Sampling

This section should be revised to indicate that the DEQ will be notified prior to any reduction in sampling frequency.

Laboratory

This section should specify a minimum turn-around time for analyzing the samples (not more than 24 hours) under routine conditions and should require reporting sample results to the operator immediately upon determining that an exceedance of 1,4-dioxane (85 ppb) or bromate (10 ppb) has occurred. After an exceedance is identified, a 45 minute turn-around time should be specified for subsequent samples until compliance with the effluent limits is confirmed. The discharge limits should be included in this section. If these limits change, this section can be updated.

Health & Safety Plan

The Health & Safety Plan (H&S Plan) does not indicate that there is secondary containment for hydrogen peroxide, as Mr. Fotouhi informed us by electronic mail dated March 9, 2006. This information, as well as other items covered in that note that are not in the H&S Plan (such as activation of 911 if a spill is not immediately controlled by on-site personnel), should be added to the H&S Plan. This section should be revised to indicate that the DEQ will be notified if there is a release of a reportable quantity of a hazardous substance.

Mr. Farsad Fotouhi
Mr. Alan D. Wasserman
Mr. Michael L. Caldwell

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We recommend that the Safety Plan figure be revised to include the location of fire extinguishers, gas monitors, and first aid kit. A more detailed map for the location of medical facilities would also be useful.

Revisions to the O&M Plans for the two systems incorporating the above comments should be submitted by September 29, 2006.

Sincerely,

Sybil Kolon
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Gelman Sciences Project Coordinator
Remediation and Redevelopment Division
517-780-7937

SK/KJ

cc: Mr. Robert Reichel, Department of Attorney General
Ms. Celeste Gill, Department of Attorney General
Ms. Debora Snell, DEQ
Mr. Mitchell Adelman, DEQ/Gelman File
Mr. James Cogger, DEQ