

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



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March 1, 2019

VIA EMAIL

Michael L. Caldwell, Esq.
Zausmer, August & Caldwell, P.C.
32255 Northwestern Highway, Suite 225
Farmington Hills, MI 48334

Re: *Attorney General v Gelman Sciences, Inc.*
MW-103s, December 2018 and January 2019 Sample Results

Dear Mr. Caldwell:

I am writing to follow up on your January 28, 2019 letter to me and confirm your understanding of the Michigan Department of Environmental Quality's (MDEQ) position regarding the actions to be taken by Gelman under MDEQ's October 21, 2013 letter if consecutive monthly 1,4-dioxane concentrations exceed 85 parts per billion (ppb). Analytical results exceeded 85 ppb in December 2018 and January 2019. As your letter recites, MDEQ's 2013 letter directs Gelman to develop a contingency plan to address the potential for 1,4-dioxane to migrate beyond the Prohibition Zone's southern boundary in excess of 85 ppb upon the receipt of such results.

As we discussed, due to the revision of the 1,4-dioxane generic groundwater/drinking water cleanup criterion to 7.2 ppb and the negotiations between MDEQ, Gelman, and the Intervening Plaintiffs to amend the Consent Judgment to incorporate the revised criterion, MDEQ agrees that the original bases for establishing the contingency plan requirements of MDEQ's 2013 letter have changed. As stated by MDEQ during the February 5, 2019 CARD meeting, any issues that may relate to MW-103s results exceeding 85 ppb are expected to be addressed through the negotiations to amend the Consent Judgment.

Therefore, I am confirming MDEQ's agreement that Gelman does not need to develop the contingency plan described in MDEQ's 2013 letter.

Michael L. Caldwell, Esq.
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Please feel free to contact me if you would like to discuss the matter further.

Sincerely,



Brian J. Negele
Assistant Attorney General
Environment, Natural Resources,
and Agriculture Division
(517) 335-7664

BJN:kjs

cc: Dan Hamel, MDEQ

LF:Gelman 1989-001467-A\Ltr Caldwell re MW-103s 2019-3-1