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**From:** Kolon, Sybil (DNRE)  
**Sent:** Friday, December 17, 2010 3:37 PM  
**To:** Kolon, Sybil (DNRE)  
**Subject:** Gelman - Periodic DNRE Update - Status of Modification of Remedial Objectives  
**Attachments:** Gelman - Periodic DNRE Update - Process for Modification of Remedial Objectives

As reported in my note of December 6, 2010 (attached), the Department of Natural Resources and Environment (DNRE) and Pall Life Sciences (PLS) have reached a tentative agreement on modification of the remedial objectives for the Gelman site. The Consent Judgment amendments required to make these modifications was due to be submitted to the Washtenaw County Circuit Court (Court) on December 15, 2010.

The DNRE and PLS have made significant progress on drafting the required amendment; however, the language is not completely finalized. Prior to submittal to the Court, the language must be approved by management for the state and PLS. On December 15, after initial consultation with staff of the Court, PLS and the state informed the Court of the status of our efforts and indicated the required documents will be filed with the Court in early January.

Contrary to the original AnnArbor.com on-line story on this topic, and the December 16 print edition, there was no meeting scheduled in Court on December 15.

The possibility remains that the DNRE and PLS may not agree on all of the language required to finalize the tentative agreement. If that is the case, the evidentiary hearing on any disputes would be held in Court on February 14, 2011. The DNRE will not establish a date for a public meeting to explain the revisions until after the agreed upon changes are entered by the Court.

I will keep you informed about other relevant developments. Please contact me if you have any questions or would like to be removed from or added to this distribution list.

Recipients of this note also receive periodic listings of documents recently posted on the DNRE's Gelman web site. Click on the following link:

[http://www.michigan.gov/deq/0,1607,7-135-3311\\_4109\\_9846\\_9847-71595--,00.html](http://www.michigan.gov/deq/0,1607,7-135-3311_4109_9846_9847-71595--,00.html)

or enter <http://www.michigan.gov/deqrrd>, then scroll to "Contaminated Sites List" and click on "Gelman Sciences, Inc. Site of Contamination".

Documents related to the Gelman site can also be reviewed at the Gelman Information Repositories, listed below, although paper copies of documents are no longer being sent to these locations, unless they are not available in digital format. These documents are also available for review at the DNRE's Jackson District Office, by appointment. The Ann Arbor Public Library has indicated it intends to print all of the documents for their Gelman Information Repository.

Ann Arbor District Library  
Downtown Library

343 South Fifth Avenue  
734-327-4200

Scio Township Hall  
827 North Zeeb Road, Ann Arbor  
734-665-2123

City of Ann Arbor Water Utilities Department  
100 North Fifth Avenue  
Contact: Venita Harrison 734-994-8286

Washtenaw County Department of Planning  
and Environment  
705 North Zeeb Road, Ann Arbor  
Contact: Michael Gebhard 734-222-3855

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**From:** Kolon, Sybil (DNRE)  
**Sent:** Monday, December 06, 2010 3:28 PM  
**To:** Kolon, Sybil (DNRE)  
**Subject:** Gelman - Periodic DNRE Update - Process for Modification of Remedial Objectives

As discussed in my November 17 note ([http://www.michigan.gov/documents/deq/deq-rrd-GS-PeriodicUpdate-November-2010\\_338773\\_7.pdf](http://www.michigan.gov/documents/deq/deq-rrd-GS-PeriodicUpdate-November-2010_338773_7.pdf)), the Department of Natural Resources and Environment (DNRE) has reached a Tentative Agreement with Pall Life Sciences (PLS) to modify the remedial objectives for the Gelman Sciences site. At a hearing in the Washtenaw County Circuit Court (Court) on November 24, Judge Donald Shelton indicated that he had read the tentative agreement (a link is provided to this document in the Nov. 17 note) and is willing to sign off on the modifications to the Consent Judgment that would be required to implement the proposed changes.

The attorneys for both parties are in the process of drafting language to modify the Consent Judgment, which must be submitted to the Court by December 15. In the event that the parties do not agree on all of the language, the Court has tentatively set an evidentiary hearing for February 14, 2011, at 8:00 AM. If that hearing takes place, Judge Shelton would resolve the disputes based on the evidence presented.

A meeting to inform the public about the modifications will be scheduled after the amendment to the Consent Judgment is entered by the Court. If an evidentiary hearing is not necessary, the public meeting would likely occur between mid-January and early February. If an evidentiary hearing is necessary, the public meeting would likely occur in March.

During the November 24 hearing, Assistant Attorney General Celeste Gill explained to the Court that the current cleanup criterion for 1,4-dioxane in groundwater of 85 parts per billion could be revised downward within the next few years based on a recent review of toxicological information by the Environmental Protection Agency. The DNRE must follow the rule-making process in order to revise the state's cleanup criterion. The first step in that process will begin early next year, when the DNRE is expected to propose a draft criterion for consideration of interested stakeholders. The revision process requires legislative review before the state can enforce any new criterion. If the cleanup criterion is revised downward the DNRE would seek to have the new criterion incorporated into the Consent Judgment if necessary to protect the public health, safety and welfare and the environment.

I will keep you informed about other relevant developments. Please contact me if you have any questions or would like to be removed from or added to this distribution list.

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