

A RESOLUTION CALLING FOR THE MDEQ TO PROTECT THE PUBLIC HEALTH AND ENVIRONMENT OF WASHTENAW COUNTY AS IT PERTAINS TO PALL-GELMAN DIOXANE PLUME AND OTHER CHEMICAL POLLUTANTS

September 18, 2013

WHEREAS thousands of residents of The County of Washtenaw have been working for over 20 years for the protection of the surface and ground waters of the State from the continuing threat and actual contamination from 1, 4-dioxane contamination originating at the Pall/Gelman Sciences, Inc. ("PGSI") Wagner Road facility, and for effective containment and proper treatment of waters already impacted by the contamination and;

WHEREAS, The Michigan Department of Environmental Quality (MDEQ) establishes generic cleanup criteria for hazardous substances under the authority of Part 201 of the Michigan Natural Resources and Environmental Protection Act, that are intended to be protective of human health and the environment from a variety of exposure pathways; and

WHEREAS, These criteria are used by MDEQ in enforcement actions against polluters and other liable parties; and

WHEREAS, The current MDEQ 1,4-dioxane generic residential drinking water cleanup criterion was set a number of years ago at 85 parts per billion (ppb) to result in a one-in-a-hundred-thousand (1 in 100,000) residual cancer risk; and

WHEREAS, In 2010, US EPA published a toxicological review of 1,4-dioxane recommending a steeper cancer slope factor, effectively lowering the drinking water residual cancer risk levels to 35 ppb for 1 in 10,000 and 3.5 ppb for 1 in 100,000; and

WHEREAS, The US EPA has categorized 1,4-dioxane as a non-threshold carcinogen; and

WHEREAS, California and Illinois lowered their drinking water guidance levels to 1 ppb, while Massachusetts set its guidance at 0.3 ppb; and

WHEREAS, The MDEQ missed its self-imposed deadline of December 2012 to set new standards or cleanup criteria for 1,4-dioxane, which were to be based on the EPA toxicological review; and

WHEREAS, The MDEQ's deadline for revising the cleanup criteria administrative rules was extended until December 31, 2013; however it appears to be unlikely that the MDEQ will meet that deadline; and

WHEREAS, The Pall-Gelman plume has been of ongoing concern to many communities in Washtenaw County given the risks to the public, human health and the environment; and

WHEREAS, The footprint of the Pall-Gelman 1,4-dioxane plume continues to expand, although the extent of that expansion is not clearly defined; and

WHEREAS, Additional data and modeling, are needed to help define and predict the areas, direction and rate of expansion of its 1,4-dioxane plume; and

WHEREAS, Ann Arbor has been unsuccessful in its efforts to be considered by the Circuit Court for Washtenaw County as an interested party in the lawsuit brought by the Michigan Attorney General on behalf of the MDEQ against Pall-Gelman regarding the Pall-Gelman 1,4-dioxane plume and its cleanup; and

WHEREAS, Pall-Gelman has not been required by the MDEQ and the Circuit Court for Washtenaw County to predict with sufficient accuracy the areas, direction and rate of expansion of its 1,4-dioxane plume;

NOW THEREFORE BE IT THEREFORE RESOLVED that the Washtenaw County Board of Commissioners urges the MDEQ to protect the public health and environment of Michigan under the authority delegated to the State under the Clean Water Act;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners urges the MDEQ to use the best science now available from EPA, including but not limited to the classification of 1,4-dioxane as a non-threshold carcinogen, to set cleanup criteria that are protective of public health and the environment for 1,4-dioxane and other chemicals;

BE IT FURTHER RESOLVED that the Washtenaw County Board of Commissioners directs the County Administrator, Corporation Counsel and other appropriate county staff to work in collaboration with the County Water Resources Commissioner to explore other actions available to the County, including but not limited to legal action, meeting with and petitioning the MDEQ and EPA to aid in setting appropriate cleanup criteria for 1,4-dioxane in Michigan, including the Pall-Gelman plume and without site specific criteria for the Pall-Gelman plume and to cooperate with other local units of government to ensure protection of public health and the environment;

BE IT FURTHER RESOLVED, A copy of this resolution be sent to the Washtenaw County delegation to the Michigan Legislature, the Governor of the State of Michigan, the Director of the Michigan Department of Environmental Quality and Congressman John D Dingell.