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Ann Arbor's dioxane problem will be around 'for decades to come'

Comment Updated on August 31, 2017 at 11:28 AM
Posted on August 31, 2017 at 10:47 AM

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By [Ryan Stanton](#), ryanstanton@mlive.com

ANN ARBOR, MI - Jim Schulz says he worked at Gelman Sciences as the director of training in the late 1970s.

"They had a system there where they were sprinkling their pollutant on the grass," he said, mentioning one of multiple ways the company discharged the toxic chemical 1,4-dioxane into the environment between the 1960s and 1980s.

"If the wind blew the wrong way, they would shut down production and have everybody go wash their car, because it would eat the paint off the car," Schulz said, speaking at a town hall meeting at the downtown Ann Arbor library Wednesday night, Aug. 30.

Schulz said workers would leave the company's Wagner Road property and go to a car wash if they got dioxane-laced effluent on their cars.

"And the people who worked there, they wouldn't drink the water. They would bring in their own water," he said.

Schulz said he only stayed at the company for about six months because he wasn't comfortable with the place.

He said his adult son now lives atop the expanding Gelman dioxane plume on Ann Arbor's west side and he's concerned about it.

"He has two small boys. They play in the grass. They play in the basement," he said. "They grow vegetables in their yard. I want to know how they can be protected from the dioxane plume."



Schulz was one of many residents who packed into the library's basement meeting room to hear an update from a mix of local and state officials, including representatives from the Michigan Department of Environmental Quality. There were more people than there were seats, and the crowd spilled out into the hallway.

The meeting was filled with tense moments as residents' frustrations boiled over. They at times shouted over the public officials who were on the panel, not allowing them to speak, demanding answers they felt they weren't getting. Residents wanted to hear a plan for cleaning up the miles-long stretch of pollution that's in the area's groundwater and threatening local drinking water supplies and homes.

Officials told residents there are ongoing confidential legal negotiations between Gelman Sciences, the DEQ, Ann Arbor, Scio Township, Washtenaw County and the Huron River Watershed Council as part of a pending case in Washtenaw County Circuit Court.

"Because we are in litigation discussions with Gelman over what that cleanup is, those discussions are confidential. As they go forward, I don't know where they're going to turn out, and we are in a precarious place and it's frustrating," said City Council Member Chuck Warpehoski, D-Ann Arbor. "I wish I could be fully transparent about where those are going, but the nature of that kind of negotiation requires that they be confidential."

Residents complained it seems as if there's now a "gag order" on keeping citizens in the loop.

U.S. Rep. Debbie Dingell, who was involved in organizing the meeting, told residents the fact that parties in the lawsuit against the polluter can't say much about the case is frustrating to her, too.

"I think I'm as pissed off as everybody else is in this room," she said at one point, sharing residents' frustrations about the continued spread of the plume.

Following a previous Circuit Court consent judgment that's in the process of being amended, Gelman Sciences has been doing pump-and-treat remediation for years to gradually remove dioxane from the area's groundwater, and the company has spent millions doing so, but some local officials and residents argue it's not enough and say they want to see the pace of cleanup accelerated.

Despite the ongoing remediation efforts, the plume is still spreading through the area's groundwater toward the Huron River, raising concerns that it could someday vent to the river in high concentrations, poison the city's water supply if it reaches Barton Pond and infiltrate people's homes in the form of toxic vapor in areas where there's shallow groundwater rising to the surface. The expanding plume already has poisoned many area wells.



Mitch Adelman, acting section manager for the DEQ's Remediation and Redevelopment Division, agreed with others Wednesday night that the problem is not going away any time soon and it would take tens of millions of dollars to do a full cleanup.

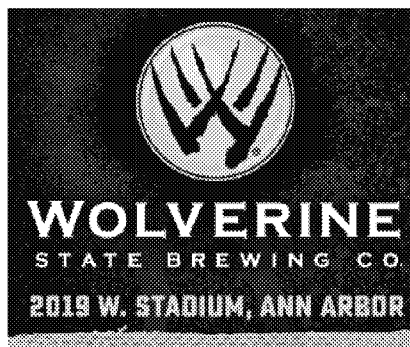
"We, the DEQ, are transparent with the community to say this problem is going to be around for decades to come," Adelman said. "That's the same thing the EPA has said."

Roger Rayle, one of the leading citizen activists pressing for a better cleanup and chairman of the local Coalition for Action on Remediation of Dioxane, agreed it's going to be an issue that outlasts him.

He cited modeling studies done by a hydrogeologist that concluded dioxane particles theoretically could travel from Wagner Road to the Huron River on average in anywhere from 74 to 351 years, with some of the fastest particles in anywhere from 4.7 to 17 years.

"I'm not going to be around in 74 years, let alone 351 years, so we have to set up the regulatory agencies to be ready for this for the life of the cleanup," Rayle said, raising concerns that there are mistakes and gaps in data that leave some uncertainties.

"Sometime in the life of the cleanup, uncertainties should be minimized," he said. "Dioxane might not vaporize into people's homes at dangerous levels, but to know that we need proactive ongoing sampling to assure this, not just whenever they feel like it. Dioxane may not spread to township wells north as it goes to Barton Pond, but to know that we need to fill in the monitoring gaps."



Adelman said Gelman Sciences is pumping and treating about 500 gallons of contaminated groundwater per minute, while it used to do much more and is permitted to go up to 1,300 gallons per minute.

"They have ratcheted that down. We understand the frustration," he said.

Adelman pointed to the 2004 court decision by now-retired Judge Donald Shelton that allows the plume to spread to the river through a court-ordered zone where groundwater use is prohibited. He said that's the framework the DEQ is working under now, so the focus is on making sure people are not exposed to unsafe levels of dioxane.

"We care very much about it. We've been working hard to make sure that's the case," he said of making sure people have clean water.

Separate from the ongoing lawsuit that local officials hope will lead to a new consent judgment with a better cleanup strategy, Dingell noted the U.S. Environmental Protection Agency is still reviewing the Gelman dioxane plume as a potential Superfund cleanup site.

"And I don't want to give people false hope on Superfund," she said, arguing the program isn't being funded enough.

"And even if it were to be designated as a Superfund site, the Department of Environmental Quality will tell you this, it's a very long process, which like everything else these days seems to be broken. Having said that, the preliminary investigation is going on."



Adelman offered an update on the DEQ's efforts to finalize new exposure standards for dioxane in drinking water. The DEQ issued an emergency rule last year to lower the the state's acceptable level of dioxane in drinking water from 85 parts per billion to 7.2 ppb, and Adelman said there are ongoing efforts to more formally establish that as the standard through a non-emergency rule.

Just a few parts per billion in drinking water, with long-term exposure, poses a 1 in 100,000 cancer risk, according to the EPA.

Dioxane is classified by the EPA as likely to be carcinogenic to humans by all routes of exposure. It also can cause kidney and liver damage, and respiratory problems. Short-term exposure to high levels of dioxane in the air can cause eye, nose and throat irritation.

Adelman said the DEQ began hearing concerns that the state's 85-ppb standard was outdated after new EPA data about dioxane came out in 2010, suggesting a single-digit standard was more appropriate.

The DEQ, under Gov. Rick Snyder's administration, was required by law to revise the state's chemical exposure standards by December 2013 to reflect the latest scientific findings. But after years of repeated delays and missed deadlines, that still hasn't happened and the state is still trying to finalize new standards for 300-plus hazardous substances, including dioxane, which only has a stricter standard in place right now because of a temporary emergency rule.



"It took the state, I will admit, too long to get that changed," Adelman said of going from 85 ppb to 7.2 ppb.

Adelman said the DEQ thought it would have a comprehensive rule package for all 300-plus hazardous substances ready by this April when the dioxane emergency rules were set to expire.

"For numerous reasons beyond DEQ's control, we weren't able to make that happen, so a decision was made again by the department and the governor to extend the emergency rule for the drinking water criterion in April of this year, so we've still got the 7.2 ppb enforceable criterion," he said, adding Gelman has been voluntarily working with the DEQ to make sure nobody is drinking dioxane-contaminated water with concentrations above 7.2 ppb.

After missing its earlier April goal, Adelman said the DEQ hoped to have a comprehensive rule package for dioxane and 300-plus other hazardous substances done by October of this year, but he doesn't think that's going to happen now, either.

As a result of the continued delays, he said, the DEQ has decided to promulgate a new rule for dioxane with just the 7.2-ppb drinking water standard to make it official, and he thinks that can be done before the temporary emergency rule expires at the end of October.



Immediately thereafter, he said, the DEQ wants to get moving on the comprehensive rule package for the 300-plus hazardous substances, which will include other exposure standards for dioxane.

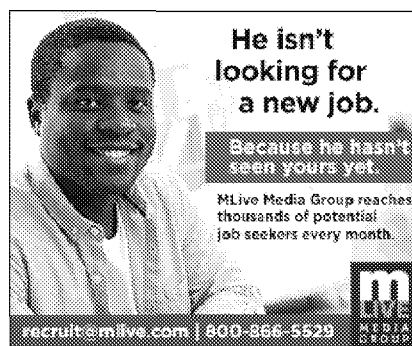
The DEQ is still planning to propose a new 1,900-ppb screening level for vapor intrusion. There isn't any vapor-intrusion screen level now, though there was one set at 29 ppb under the emergency rules issued by the DEQ last October. Adelman said there's new information to suggest 1,900 ppb is a more appropriate threshold.

Ann Arbor resident Jeff Hayner urged city officials to start setting aside money to address the threats posed by the Gelman plume, saying clean water is more important than some of the other things on which the city spends money.

State Rep. Adam Zemke, D-Ann Arbor, said he's willing as a taxpayer to pay for addressing the Gelman plume, but he also thinks it's important to try to fight to make the polluter pay for an adequate cleanup, and he said that's what's being done now.

"The stars are as best aligned as they ever have been to ensure that we have a polluter-pay plan, and that's something I think everybody wants," Zemke said.

"Your local elected officials, your state elected officials, are on the same page with you," state Rep. Yousef Rabhi, D-Ann Arbor, assured residents. "We want to make sure that this gets cleaned up."



Rabhi, who is [proposing a polluter-pay law in Michigan](#), said it was amazing to see the number of residents who came out Wednesday night.

"I love the energy in this room," he said after some of the more passionate outbursts of frustration.

Rabhi said Gelman's polluting of local groundwater aquifers never should have happened and local elected officials are not going to be happy until it gets cleaned up as best as possible.

"One of those local strategies is legal, because we got pretty much screwed last time around by a judge who decided that he was going to side with the company and give the company most of what they wanted," he said. "And that was partially because the DEQ was the only one in the room, and the city and the county and others were excluded from that litigation."

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