



EPA/MDEQ Approve AOC, Continue Enhanced Community Engagement

Tittabawassee River, Saginaw River & Bay Site

Midland/Saginaw/Bay City Region, Michigan

January 2010

For more information

You can view documents related to the Tittabawassee River, Saginaw River & Bay site in information repositories set up by EPA and MDEQ. The repositories are located in the Grace A. Dow Memorial Library, 1710 W. Saint Andrews St., Midland; the Hoyt Main Library, 505 Janes Ave., Saginaw; and the Alice and Jack Wirt Public Library, 500 Center Ave., Bay City.

Information office

EPA has opened a community information office in the Saginaw County Courthouse, 111 S. Michigan Ave., Saginaw. Or call 989-790-5215.

On the Web

EPA dioxin investigation:
<http://www.epa.gov/region5/sites/dowchemical>

Michigan dioxin information:
<http://www.michigan.gov/deqdioxin>

Sign up for the listserv

If you would like to be e-mailed site updates, send a blank message to: dow_dioxin-subscribe@lists.epa.gov

Contacts

These EPA community involvement coordinators can answer questions:

Patricia Krause
312-886-9506
krause.patricia@epa.gov

Don de Blasio
312-886-4360
deblasio.don@epa.gov

Region 5 toll free:
800-621-8431, 9:30 a.m. – 5:30 p.m., weekdays

At MDEQ contact:

Cheryl Howe
517-373-9881
howec@michigan.gov

EPA and Michigan Department of Environmental Quality held a 60-day comment period which ended on Dec. 17, 2009, on the proposed Superfund administrative order on consent with Dow Chemical Co. and received comments from more than 60 people and organizations. The majority of the comments were supportive, and many made suggestions on how the agencies should implement the agreement. Because the comments are primarily related to implementation of work under the settlement agreement, rather than to the agreement itself, the agencies decided not to reopen the settlement. Instead, in approving the agreement on Jan. 14, 2010, the agencies have committed to a number of steps.

This fact sheet describes these commitments and also provides an overview of the sorts of comments received. The complete AOC and detailed responsiveness summary are available online and at the site repositories (see the box at left for details).

Enhanced Community Engagement

After reviewing all comments that were submitted during the public comment period, EPA and MDEQ have determined that many of the recommendations are related to implementation of work under the settlement agreement, rather than to the agreement itself. Many of these comments were about how the agencies would work with and involve the communities on the site. Community involvement activities at the site will be robust and will go far beyond what is required by law. Therefore the agencies intend the following:

- EPA will maintain its Saginaw field office—opened to provide additional service to the community. The agency expects to move to a more permanent location—with room to meet with members of the community—in 2010.
- EPA and MDEQ will work closely with the community advisory group that was formed to represent all the diverse points of view within the community. EPA will continue to provide third-party facilitation and administrative support to the CAG.
 - The CAG will take an active role in developing a detailed plan for engaging the entire community in the Superfund process. EPA is preparing a draft plan—based on interviews conducted with members of the community—which it plans to share in March. This plan will evolve over time to reflect changing community needs.
 - In February, the agencies will begin to work with the CAG to define meeting topics and schedule technical discussions to solicit community advice and input related to implementation of the AOC.
 - The CAG will be an active participant in discussions of the progress of the work. EPA anticipates meeting with the CAG monthly.
- Technical assistance will be provided to the community through a “technical assistance plan.” This TAP will start off with \$50,000, with more funding available as required. The CAG, and other organizations, will be eligible to apply for the TAP. An open, transparent process will be used to select a recipient that best represents the community. Details will be developed as part of the settlement agreement within the next two months.
- Although the CAG will be the focus of public participation efforts, EPA and MDEQ will continue to work with the broader community carrying out the activities set out in the community involvement plan.

- Information on the progress of the work will be made available on a routine basis, and will be made in plain, understandable language.
- Routine updates will be posted to the Web site and announced through the listserv.
- Large public meetings—and less formal, small group meetings—will be scheduled as appropriate, based on public interest. EPA and MDEQ will use input from the CAG and other input developed under the community involvement plan to establish the frequency and types of meetings.

Background

On Sept. 25, 2009, EPA and MDEQ announced that they had completed negotiations and reached a proposed settlement with Dow. As part of the agencies' commitment for greater transparency and community outreach and participation, the proposed settlement was released for public comment on Oct. 19, 2009. Dow had already signed the proposed settlement, but EPA and MDEQ indicated that they would make their decision on whether to sign the proposed settlement after considering the comments received from the community. The agencies held a public meeting on Nov. 5, 2009, to explain the proposed settlement, answer questions and take public comment. EPA also provided technical assistance to the community through its Technical Assistance Services for Communities program. The public comment period closed on Dec. 17, 2009.

Summary of Public Comments

EPA and MDEQ received comments from more than 60 individuals and groups during the public comment period. The comments covered a wide-range of topics with the majority of the comments falling into the following categories:

- Whether to proceed with the settlement
- Community involvement
- General or specific comments on the AOC and statement of work
- Dow's role
- Economic impacts
- Concerns about specific properties
- Comments on dioxin
- Remedy options and cleanup goals
- National Priorities List status

The vast majority of those submitting comments provided feedback on whether to proceed with the settlement, and community involvement. The agencies received a significant number of comments supporting the settlement agreement. With respect to community involvement, the comments ranged from concern over the extension of the public comment period on the proposed settlement to wanting more specificity in the settlement agreement on the specific community involvement activities that would be conducted at the site.

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United States
Environmental Protection
Agency
Region 5
Superfund Division (SI-7J)
77 W. Jackson Blvd.
Chicago, IL 60604-3590

