



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

January 26, 2004

Ms. Susan Carrington
VP and Executive Director of Michigan Dioxin Initiative
The Dow Chemical Company
47 Building
Midland, MI 48667

Dear Ms. Carrington:

SUBJECT: Extension Request for Response to Notice of Deficiency (NOD) on Remedial Investigation (RI) Scopes of Work (SOWs) for Midland Area Soils and Tittabawassee River and Floodplain; The Dow Chemical Company (Dow), Midland; MID 000 724 724

The Michigan Department of Environmental Quality (MDEQ), Waste and Hazardous Materials Division (WHMD), received an extension request from Dow on January 21, 2003, for additional time to respond to the NOD on RI SOWs for Midland Area Soils and Tittabawassee River and Floodplain Sediments and Soils. Dow has requested additional time to submit a response to the NOD until February 17, 2004, in order to seek further clarification from MDEQ staff regarding certain items in the NOD.

Dow indicated before requesting an extension that the majority of the NOD items have been satisfactorily resolved; however, there were four outstanding issues that Dow staff felt needed further discussion. At the time the request was submitted, WHMD staff indicated that approval for an extension request would not be granted until the draft SOWs could be reviewed and a determination made whether the unresolved issues compromise a significant amount of work yet to be completed.

WHMD staff reviewed the draft SOWs submittal received on Friday, January 23, 2004. As represented by Dow, there are items missing from the submittal that preclude us from completing a review of the adequacy of the SOWs. However, Dow has committed to attend four meetings with WHMD staff over the next two weeks to discuss items that Dow has represented as needing clarification. Therefore, in accordance with Condition I.G. of the hazardous waste operating license, the WHMD hereby approves the request for an extension until February 17, 2004.

WHMD staff notes that meetings have been scheduled with Dow staff to address the following issues:

1. Interim Response Activities (IRA) Work Plan for sampling/characterization of Midland Area Soils

2. Schedule modifications – moving items from IRA to RI Work Plan status
3. Community Information Centers/Materials for distribution/Signs
4. Dow's proposed process for development of Site-specific Cleanup Criteria

Many of the NOD items addressed elements of the SOWs that have yet to be submitted. In particular, Dow has not submitted a number of IRA work plans, the outline of RI activities, or the complete schedules for conducting the RI and IRAs. Other topics may be identified as we go forward in the review process and the MDEQ has the opportunity to review your proposed revisions. Additional meetings, prior to February 17, 2004, may be necessary to address these items.

If you have any questions, please contact Mr. Al Taylor, Hazardous Waste and Radiological Protection Section, WHMD, at 517-335-4799 or by e-mail at taylorab@michigan.gov; Ms. Cheryl Howe, HWRPS, WHMD, at 517-373-9881 or by e-mail at howec@michigan.gov; or you may contact me.

Sincerely,

Original signed by

George W. Bruchmann, Chief
Waste and Hazardous Materials Division
517-373-9723

cc: Mr. Ben Baker, Dow
Mr. David Gustafson, Dow
Ms. Sarah Opperman, Dow
Ms. Lauri Gorton, CH2M Hill
Mr. Gary Dyke, CH2M Hill
Mr. Greg Rudloff, United States Environmental Protection Agency, Region 5
Dr. Linda Dykema, Michigan Department of Community Health
Dr. Brian Hughes, Michigan Department of Agriculture
Mr. Jim Sygo, Deputy Director, MDEQ
Ms. JoAnn Merrick, Senior Executive Assistant to the Director, MDEQ
Ms. Liane Shekter Smith, MDEQ/Operating License File
Mr. Steve Buda, MDEQ
Ms. De Montgomery/Ms. Ginny Himich, MDEQ
Mr. Terry Walkington/Ms. Trisha Peters, MDEQ
Ms. Brenda Brouillet, MDEQ
Dr. Deb MacKenzie-Taylor, MDEQ
Ms. Cheryl Howe, MDEQ
Mr. Al Taylor, MDEQ