



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



STEVEN E. CHESTER
DIRECTOR

October 18, 2005

Mr. Ben Baker
Senior Environmental Project Leader
The Dow Chemical Company
47 Building
Midland, Michigan 48667

Dear Mr. Baker:

SUBJECT: Approval of the Revised Scopes of Work for the Midland Area Soils Remedial Investigation and the Tittabawassee River Sediments and Floodplain Remedial Investigation; The Dow Chemical Company (Dow), Midland, Michigan; MID 000 724 724

The Michigan Department of Environmental Quality (MDEQ), Waste and Hazardous Materials Division (WHMD), has completed review of the documents entitled "Scope of Work for Midland Area Soils Remedial Investigation" and "Scope of Work for Tittabawassee River Sediments and Floodplain Remedial Investigation." These Scope of Work (SOW) documents were submitted and posted by Dow to the eProject Web site on October 14, 2005. Preliminary drafts of these documents were reviewed at a meeting with the MDEQ and the U.S. Environmental Protection Agency, Region 5 (U.S. EPA), on September 15, 2005, and in subsequent discussions with the MDEQ.

These SOWs were submitted to comply with Condition XI B.3. of Dow's hazardous waste management facility operating license (license) and replace all previously submitted SOW documents. As described herein, the proposed SOWs are approved and become enforceable pursuant to the conditions of Dow's license. Nothing in this approval is intended to modify the license. In the event of any conflict between the SOWs and the license, the license controls.

It was noted during review of the SOWs that the proposed human health risk assessment (HHRA) process is specifically designed for the development of cleanup criteria for dioxins and furans. The evaluation process proposed for dioxins and furans in the SOWs is not applicable to all of the potential constituents of interest (PCOIs) that may need to be addressed during the corrective action process. Therefore, to address nondioxin and nonfuran PCOIs, Dow may need to propose and implement other HHRA activities or methodologies consistent with the options available under Part 201, Environmental Remediation, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended.

The SOW for the Tittabawassee River Sediments and Floodplain Remedial Investigation (RI) lists several reports that Dow intends to use in the RI process. The approval of this SOW does not constitute approval of the listed reports. Many of these

approval of this SOW does not constitute approval of the listed reports. Many of these corrective action-related studies were conducted without the prior knowledge and/or approval of the MDEQ. As a result, the basis, conduct, results, and conclusions of these studies will need to be evaluated during the Remedial Investigation Work Plan (RIWP) review process.

The SOWs also refer to a public participation plan and stakeholder process that is under development. As you are aware, this public participation plan has now been finalized and is being implemented, with the first of the ongoing quarterly community meetings scheduled for November 9, 2005. The proposed RIWPs should reflect the ongoing public participation and stakeholder process.

Because of the time frames identified in the SOWs to conduct the RIs, it is possible that additional interim response activities may be necessary prior to the completion of the RIs to reduce the potential for human exposure and the movement of contaminated media.

Finally, during the SOW review and approval process, Dow proposed, and the MDEQ agreed, to begin addressing certain corrective action RI requirements via the submission and implementation of separate work plans. These work plans are to address investigation of soil characteristics and nondioxin and nonfuran PCOIs in the Midland area and investigation of the upper Saginaw River and floodplain. These work plans will be developed to satisfy the applicable requirements of an RI as described in Part XI of the license and are, therefore, subject to the MDEQ review and approval or approval with modifications. Dow has committed to provide the work plan for the Midland area soil characteristics and PCOIs to the MDEQ for review by November 1, 2005. In addition, Dow has committed to submit the work plan for the upper Saginaw River to the MDEQ for review by March 1, 2006. Upon approval or approval with modifications, these work plans will become enforceable pursuant to the conditions of Dow's license.

As specified in the approved SOWs, please submit the RIWPs for the Midland Area Soils and the Tittabawassee River Sediments and Floodplain by December 31, 2005.

Thank you for your cooperation in this matter. If you have questions or concerns regarding this approval, please contact Mr. Allan Taylor, Hazardous Waste Section (HWS), WHMD, at 517-335-4799, or Ms. Cheryl Howe, HWS, WHMD, at 517-373-9881.

Sincerely,



George W. Bruchmann, Chief
Waste and Hazardous Materials Division
517-373-9523

cc: Ms. Susan Carrington, Dow
Mr. David Gustafson, Dow
Mr. Gerald Phillips, U.S. EPA
Mr. Greg Rudloff, U.S. EPA
Mr. Jim Sygo, Deputy Director, MDEQ
Ms. Liane Shekter Smith, MDEQ
Ms. De Montgomery, MDEQ
Mr. Steve Buda, MDEQ
Ms. Brenda Brouillet, MDEQ
Mr. Terry Walkington/Ms. Trisha Peters, MDEQ
Ms. Cheryl Howe/Off-Site Corrective Action File, MDEQ
Dr. Deborah MacKenzie-Taylor, MDEQ
Mr. Allan Taylor, MDEQ