



The facility label is not an unfair label to property owners. If anything, this Senate should be holding hearings on how Dow should be cleaning up their contamination, not on how to try and legislate the problem away. Our entire river community is contaminated with Dow's dioxin, we have all kinds of restrictions on the use of our property, not because of the facility designation but because its contaminated. The presences of dioxin on our property constitute a takings by Dow. We cannot use our properties as we choose or intended at the time of purchase. Do NOT endorse bills HB4617/SB390

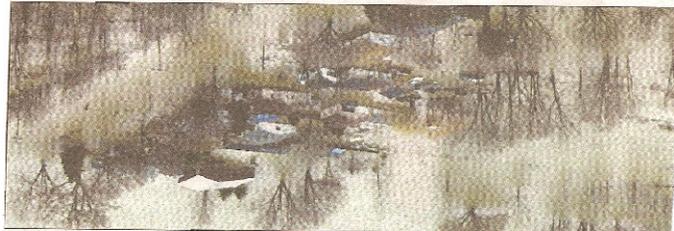
Do the right thing for the PEOPLE

MDEQ Concerns with HB 4617-SB 390

- The bill would slow progress in cleaning up contaminated sites
- The bill would prevent many properties from being eligible for state and local financial incentives that support redevelopment.
- The bill would prevent the state from undertaking investigation and cleanup actions on a homestead regardless of whether the homestead property owner wanted that work to be done.
- The bill would prevent prospective purchasers and lessees of contaminated property from getting important information about the contamination through disclosure provisions of Part 201.
- Due Care obligations would no longer include compliance with land or resource use restrictions that were imposed on a property as part of a cleanup.
- Unless samples had been taken on a particular property to confirm contamination, or the owner of that property agreed to it being part of a facility in the absence of sampling, a liable party would not have an obligation to address contamination on that property. (TRW Note: One property: 4 samples at 3 depths can cost \$12,000)
- State budgetary implications, likely to be millions of dollars over the next five years
- **Implications to Local Units of Government:**
 - Local units of government's ability to offer financial incentives for redevelopment would be limited, since status as a "facility" is a condition of eligibility for those incentives.
 - Many properties that are eligible for local tax increment financing are "remediated sites" within the definition established by these bills.
 - The costs of cleanup work undertaken by local units of government when they are liable parties would increase. Cleanup expenses are already a significant issue for many communities that are responding to historical landfills, contamination at publicly-owned garages, parks, and similar properties. Any actions that increase these costs have budget impacts for local units of government comparable to those of other liable parties.

Source: Excerpts from Steven Chester comments May 23, 2005

Dow Facility - YES



Michael Hollenbach/Kalamazoo News This Above, Floodwaters from the Titabawassee River surround houses along West Michigan in Saginaw Township on March 7, 2004.

Which of the homes pictured above did not receive any dioxin laden soil deposits into their yards? Which of them will not be able to hold Dow accountable if the "Facility" bill is passed?



Dioxin tainted Flood deposits after March 2004 Flood



The grass was green before the flood

With or without Facility designation we must still disclose ... How does this bill remove the stigma?

Seller Disclosure Act 565.957 Disclosure Form requires the the seller to answer the following question: "Are you aware of any substances, materials, or products that may be an environmental hazard such as, but not limited to, asbestos, radon gas, formaldehyde, lead-based paint, fuel or chemical storage tanks and contaminated soil on the property?"



While we understand the impact of facility designation on property values, it is our belief that the real impact comes from the presence of Dow's dioxin contaminating our property, parks and communities. We are much more concerned about the dioxin on our property and in our community than we are about being labeled a facility. This is compounded by the failure, year after year, of the state to deal with this issue in a timely manner. This issue has become more about politics than about science and public health protection.

The facility designation in this instance, defines a geographic area which under Dow's license is subject to interim response, remedial investigation and cleanup. We believe this bill is designed to make it difficult for the State of Michigan to: 1. Enforce Dow Chemical's license 2. Access property 3. Protect public health and resources 4. Delay cleanup. **Rumor control: No Cleanup is in process.**

Please do NOT support this "Polluter Free Ride" legislation

