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Subject:	Partial Approval of the Dow Midland Area Soils 2013 Work Plan and Adaptive Management Report for Spring 2013 Sampling; MID 000 724 724
Date:	Friday, March 29, 2013 4:23:38 PM
Attachments:	Attachments to 2013 WP&AMR Partial Approval.pdf

Steve –

The Michigan Department of Environmental Quality (DEQ) is providing partial approval of the 2013 Work Plan and Adaptive Management Report (2013 WP & AMR) for the Midland Area Soils project. The 2013 WP & AMR was submitted electronically to the DEQ by The Dow Chemical Company (Dow) on February 15, 2013.

This partial approval, subject to the resolution of the comments identified below, addresses the proposed sampling areas, schedule for sampling, sampling methodology, and the individual 2013 Phase II property sampling plans. This partial approval is being granted in advance of final approval of the 2013 WP & AMR in recognition of the need for Dow to begin contacting 2013 Phase II property owners to gain access for the spring sampling campaign.

The DEQ will be providing a final approval, or approval with modifications, of the balance of the 2013 WP & AMR in late April of 2013. As noted below, this partial approval specifically does not address the proposed changes to the decision rules or the analytical methodologies. The DEQ would like to meet to discuss Dow's proposed changes to the 2013 WP & AMR prior to issuing a final approval decision.

1. **Section 2.2.1. Page 4. Sampling Plans.** The second sentence in this section refers to "one non-residential property with wooded areas present." This section needs to be revised to include the parcel number of this property in the text.

2. **Section 2.2.1.4. Page 5. Status Summary.** This section indicates that seven properties from the 2013 Phase 1 Area (fall 2012 sampling campaign) granted access for sampling in the spring of 2013. Please identify these properties in Table 2-1 of the final 2013 WP & AMR. This can be done by adding another column to Table 2-1 that identifies the access status for sampling (e.g., access granted, access denied, sampling deferred until later date).

3. **Section 2.3 Page 5. 2013 Phase II.** Please revise the text (to be consistent with the figures) to provide the number of properties included in the Phase II 2013 sampling campaign.

4. **Section 2.3.1.2. Page 6. Residential DUs > 1 Acre.** Based on site visits conducted by the DEQ to the decision units (DUs) identified in this section on March 14 and March 26, 2013, these parcels need to be subdivided into several DUs. The DEQ's recommendations for subdivision are shown on the attached revised sampling plan maps for the following parcels:

   14 -15-40-130; 1419 Iowa Street
   14-15-50-461; 313 Bradley Court
   14-15-50-550; 1517 Bayliss Street

5. **Section 2.3.1.3. Page 6. Non-Residential DUs.** Parcel 14-15-50-414 is incorrectly identified as "non-residential" in this section and this classification needs to be revised. The first story of the building is a convenience store but the second story contains two residential apartment units that are in use. Most of this parcel, however, is paved with little exposed soil. Parcel 14-15-50-418 (also identified in Section 2.3.1.3) has the same property owner and is adjacent to Parcel 14-15-50-414. This parcel has some open lawn areas so it may be appropriate to sample both Parcels 14-15-50-418 and 14-15-50-414 as a combined DU.

6. **Section 2.5. Page 9. Land Use Monitoring of Year 1 Properties.** Please modify the text to indicate that land use monitoring activities in 2013 will include a review of tax records to verify that property ownership ***and/or zoning*** has not changed.

7. **Section 3.2.1. Page 11. Obtaining Access from Current Property Owners.**

    a. The current "property owner questionnaire" needs to be included in the 2013 WP & AMR. In addition, the questionnaire needs to be revised to include an inquiry about utility work or other soil disturbance (beyond landscaping).

    b. The "Midland Soils Sampling Agreement Form" needs to be revised to indicate that "the soils cores will be 1-inch wide and 6-inches in depth ***unless otherwise noted below,***" or similar to account for the possibility of taking 12-inch cores.

8. **Section 3.2.2. Pages 11 and 12. Analytical Methods.** This section needs to be clarified to indicate which analysis will be used for decision making in the event that Dow conducts EPA Method 1613b confirmation analysis using both the DB-5ms GC column and the SP-2331 GC column. The DEQ is assuming that Dow is intending to use SP-2331 column results, consistent with the work conducted in 2012.

    In addition, it is not clear from the description in the 2013 WP & AMR that single column analysis conducted using the DB-5ms GC column is supported by Method 1613b. Please clarify whether Method 1613b requires a dual column confirmation when the DB-5ms GC column is used.

9. **Section 3.2.3. Page 12 and Figures 3-1, 3-2 and 3-3. Decision Rules for Residential Land Use.** The DEQ is specifically not approving a change from the previously approved 2012 decision rules or the decision rule flow charts at this time. This proposal is under review and will be addressed in the final approval, or approval with modifications, of the 2013 WP & AMR. The DEQ will want to discuss proposed changes to the decision rules with Dow prior to issuing a final decision.

10. **Parcel 14-21-10-026; 1011 Jefferson.** A joint visit to the Safe Haven Outreach Center needs to be scheduled to interview Center staff to determine residential vs. non-residential property status. If it is determined that sampling is appropriate, it should be done this spring.

11. **Attachment A – 2013 Phase II Property Specific Sampling Plans.** In addition to the changes in the larger DUs noted above, the following additional sampling plan revisions need to be

completed:

- Parcel 14-16-40-318; 1109 State Street – The DEQ recommends splitting this parcel into two DUs due to the configuration (and possibility of future split into two residential properties, one of which could have an entrance from Reardon Street).

- Parcel 14-15-50-510; 109 Arbury Street – The sample in the outlawn needs to be moved as shown in the attached revised sampling map (soil has been replaced with woodchips).

- Parcel 14-15-50-408; 116 East Haley Street – The sample in the side yard needs to be moved as shown in the attached revised sampling map.

- Parcel 14-16-40-288; 621 Reardon Court – The sample needs to be moved as shown in the attached revised sampling map.

- Parcel 14-16-40-312; 711 East Carpenter Street - The sample needs to be moved as shown in the attached revised sampling map.

- Portions of the properties adjacent to the Midland Community Center, 1614 State Street (Parcel 14-16-30-460), and 1606 Mill Street (Parcel 14-16-30-436) should be included in the 2013 Phase II sampling campaign as two individual DUs. No parcel numbers are contained in the Midland property search system for these areas.

- Property at the southeast corner of Reardon and George (no sampling plan is provided in the 2013 WP & AMR and no parcel number is contained in the Midland property search system for this area). It appears that this area should also be included in the 2013 Phase II sampling campaign.

- Parcel 14-15-40-350; 1610 Colorado Street - The DEQ recommends splitting this property into two DUs: one DU that is located between the building units and the hedge (facing Colorado Street) and a second DU that is composed of the areas outside of the Colorado Street hedge, including the outlawn and the edges of the side and rear parking areas.

Should you have any questions regarding this approval, please contact Ms. Cheryl Howe, Hazardous Waste Section (HWS), Office of Waste Management and Radiological Protection (OWMRP) at 517-373-9881 or howec@michigan.gov; or Mr. Al Taylor, HWS, OWRMP, at 517-335-4799 or taylora@michigan.gov; or you may contact them at DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

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