

RESPONSIVENESS SUMMARY

**Hazardous Waste Management Facility Operating License
Major and Minor Modifications
Amendment 14**

**The Dow Chemical Company
Michigan Operations, Midland Plant**

**1790 Building
Midland, Michigan
MID 000 724 724**

May 30, 2013



**Michigan Department of Environmental Quality
Office of Waste Management and Radiological Protection**

RESPONSIVENESS SUMMARY

The Dow Chemical Company

On February 25, 2013, the Michigan Department of Environmental Quality (DEQ), Office of Waste Management and Radiological Protection (OWMRP), announced a public comment period and tentative public hearing in the Midland Daily News to receive comments concerning proposed major modifications (Amendment 14) of the 2003 hazardous waste management facility operating license (License) issued to The Dow Chemical Company (Dow) for the Michigan Operations, Midland Plant, located at 1790 Building, Midland, Michigan 48674, pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and Subtitle C of the Solid Waste Disposal Act, as amended, Title 42 of the United States Code, Section 6901 *et seq.* (commonly known as the Resource Conservation and Recovery Act of 1976, as amended [RCRA]). In addition, a Powerpoint presentation regarding the Dow facility and draft License Amendment 14 was made available online at <http://www.michigan.gov/deq> (click on Waste, Hazardous and Liquid Industrial Waste, Hazardous and Liquid Industrial Waste Management, and scroll to "Dow Midland Plant and Salzburg Landfill Hazardous Waste Management Facility Operating License Information" under Information); the direct link is http://www.michigan.gov/deq/0,4561,7-135-3312_4118_4240-193388--,00.html. Some other minor modifications, which did not require public notice, were also made concurrently to the License and were shown in the draft License Amendment 14.

The public comment period extended from February 25, 2013, to April 26, 2013. The public hearing was tentatively scheduled to be held on March 28, 2013, but was subject to cancellation if the DEQ did not receive a written request by March 11, 2013, for a public hearing in accordance with R 299.9514 of the administrative rules promulgated pursuant to Part 111 (Part 111 Rules) stating the nature of any issues proposed to be raised at the hearing.

Since the DEQ did not receive a request for the public hearing, it was canceled and a notice to that effect was published in the Midland Daily News on March 20, 2013. The notice regarding the public hearing cancellation was also sent to the facility mailing list the week of March 18, 2013. On February 25, 2013, March 11, 2013, and March 25, 2013, notices regarding the proposed License Amendment 14 appeared in the DEQ Calendar, which is published every two weeks to provide public notice of pending public hearings, DEQ decisions, etc. A radio notice briefly describing the License Amendments and the public comment period was aired on local radio station WSGW on March 20, 2013.

In accordance with R 299.9515 of the Part 111 Rules, this document was prepared to respond to significant comments submitted during the public comment period and to describe any significant changes made to the draft License Amendment 14. No comments were received during the public comment period. The changes made to the draft License Amendment 14 by the DEQ since it was public noticed and the reasons for each change are presented in Attachment 1, Summary of Changes. These changes included some additional minor modifications, as identified in the attached Summary of Changes.

ATTACHMENT 1 Summary of Changes

COVER PAGE

CHANGE – Number of Pages in the License and Issuance Date: The total number of pages in the final License Amendment 14 was inserted into the blanks on the cover page of the License and the headers on each page and the issuance date was inserted.

TABLE OF CONTENTS

CHANGE – Page Numbering: The correct page numbers for Conditions in the final License Amendment 14 were inserted into the Table of Contents.

LIST OF ATTACHMENTS AND REVISED ATTACHMENT COVER PAGES

CHANGE – Attachment Revision Dates and Updated Revision Date of Part A Map: The issuance date of the final License Amendment 14 was inserted into the List of Attachments and the following Attachment cover pages:

- Attachment 2, Inspection Schedule;
- Attachment 7, Facility Boundary Topographic and Part A Maps and Waste Storage Area I Drawings
- Attachment 24, Environmental Monitoring Program Sampling and Analysis Plan; and
- Attachment 30A, Corrective Action Management Unit Design Information.

In addition, a revised Part A Map, Drawing B2-010-927122, Rev. 3/13, was submitted by Dow in May 2013 to replace the Drawing B2-010-927122, Rev. 12/12, in Attachment 7. The Attachment 7 cover sheet was updated to reflect the date of this revised Part A Map (minor modification).

THROUGHOUT THE LICENSE

CHANGE – Updated Revision Date of Part A Map: All references in the License text to the Part A Map, Drawing B2-010-927122, Rev. 12/12, were replaced with Drawing B2-010-927122, Rev. 3/13 (minor modification).

PART VII – INCINERATOR TREATMENT CONDITIONS

CHANGE – CONDITION VII.A.6, COVERAGE OF LICENSE: The first sentence of this condition was updated as shown below to reflect the current renewable operating permit issued to Dow by the DEQ, Air Quality Division (minor modification).

In accordance with R 299.9601(7), the 32 Incinerator shall comply with the Air Quality Division (AQD) Permit Number MI-ROP-A4033-200411a, effective ~~March 29, 2004~~ April 11, 2011, and any subsequent revisions to that permit, pursuant to the 40 CFR Part 63, Subpart EEE, Hazardous Waste Combustor Maximum Achievable Control Technology (MACT), regulations.

PART X – ENVIRONMENTAL MONITORING CONDITIONS

CHANGE – CONDITION X.A.3.(a), GENERAL ENVIRONMENTAL MONITORING CONDITIONS, Notification Requirements: This condition was revised as shown below for clarification purposes.

Unless specified otherwise, all initial notifications to the Office required by Part X of this license shall be made by telephone to a ~~Dow~~DEQ project team staff member assigned to

the Dow license (project geologist, engineer, environmental quality analyst, district inspector, or their supervisor) or the DEQ PEAS at 1-800-292-4706. Unless specified otherwise, all written reports, notifications, or submissions to the Office required by Part X of this license shall be made to the Office Chief.

CHANGE – CONDITION X.D.5.(b), SURFACE WATER PROTECTION MONITORING PROGRAMS, River Corrective Action Management Programs: This condition was revised as shown below to correct a table reference (minor modification).

Sand Bar Chemical Monitoring Program. The licensee shall annually collect a representative sample from the Sand Bar Lift Station and analyze the sample for the constituents identified in Table 2-E of the SAP, Attachment 24 of this license. The data from the annual sampling event must be submitted to the Office Chief in accordance with Condition II.L.4. of this license.

PART XI - CORRECTIVE ACTION CONDITIONS

CHANGE – CONDITION XI.V., DESIGNATION OF CORRECTIVE ACTION MANAGEMENT UNIT: This first sentence of this condition was revised to insert the License Amendment 14 issuance date as the effective date as shown below.

Effective May 30, 2013, the licensee is authorized to submit detailed plans to the Office for review and approval to construct and operate project-specific storage and treatment CAMUs, subject to Condition XI.V.4. of this license, in the same location as the designated staging pile under Condition XI.U. of this license, for the management of CAMU-eligible waste as defined in R 299.9102(u) from corrective action activities at the facility.

ATTACHMENT 7, FACILITY BOUNDARY TOPOGRAPHIC AND PART A MAPS AND WASTE STORAGE AREA I DRAWINGS

CHANGE – Part A Map Replacement: The Part A Map in Attachment 7, Drawing B2-010-927122, Rev. 12/12, was replaced with Drawing B2-010-927122, Rev. 3/13 (minor modification).

ATTACHMENT 24, ENVIRONMENTAL MONITORING PROGRAM SAMPLING AND ANALYSIS PLAN (SAP)

CHANGE – Revisions to Address “Punch List” for Attachment 24: At the time the draft License Amendment 14 was public noticed, the OWMRP made available online at http://www.michigan.gov/deq/0,4561,7-135-3312_4118_4240-193388--,00.html a list of changes to the revised Attachment 24 that the DEQ was likely to require that were still being worked on when the public notice period began. Attachment 2 to this Responsiveness Summary describes how each of the items was resolved. Attachment 3 to this Responsiveness Summary is the final “track changes” version of the SAP that shows the actual text and table revisions that were made in the SAP to address the items.

CHANGE – Effective Date of SAP: The effective date of the SAP was made July 1, 2013, so that the revised SAP will become effective at the beginning of the next quarterly monitoring period (minor modification).