

ATTACHMENT A

INSTITUTIONAL CONTROL PLAN

The Dow Chemical Company – Midland Area Soils

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1.0 Introduction

This Institutional Control Plan (“ICP”) has been prepared to describe current and proposed institutional controls (“ICs”) and IC implementation, enforcement, monitoring, and contingency plans for The Dow Chemical Company (“Dow”) remediation of the City of Midland Area Soils. This ICP has been drafted as an attachment to the *Midland Area Soils Corrective Action Report, Part III - Remedial Action Plan/Corrective Measures Implementation*, dated December 15, 2014, and revised on October 1, 2015, and May 6, 2016 (the “RAP”). Please refer to the RAP for background information and general information regarding the remediation.

Institutional controls and use restrictions are administrative and legal controls that: (1) limit or prohibit activities that interfere with the integrity or effectiveness of response activities; (2) limit or prohibit activities that may result in exposure to a hazardous substance at a site; or (3) provide notice or information about the presence of a hazardous substance. There are four general categories of ICs:

Proprietary controls – these are based on state law, and include easements and restrictive covenants.

Government controls – these controls rely on the authority of an existing unit of government, such as zoning ordinances.

Enforcement and permit tools – these are controls contained in permits, orders and decrees.

Informational devices – these devices provide information about contamination and exposure, and include state registries, “Miss Dig” programs, deed notices, public meetings, and advisories.

The role of ICs at the site was outlined in the approved *Interim Response Activity Plan Designed to Meet Criteria* (May 2012) (the “IRDC”). According to the IRDC, the remedy should address reasonably anticipated future changes in land use. IRDC, p. 62. It was contemplated that ICs/land use restrictions would be used to limit future land use changes, supplemented by informational devices and a monitoring program to identify other relevant land use changes so that appropriate action could be taken. IRDC, p. 62. Overall, future controls and restrictions should be generally consistent with currently authorized uses: “[a]reas that are zoned ‘industrial,’ ‘commercial’ and ‘residential’ will be able to maintain industrial, commercial, and current residential uses, respectively.” IRDC, p. 64. The IRDC recognized that restrictive covenants or ordinance provisions could be used as possible tools to implement the necessary controls and precautions. IRDC, p. 64.

1.1 Summary of Remediation

The Midland Area Soils remediation was conducted in an area of the City known as the Midland Resolution Area (“MRA”). Response activities in the MRA have included sampling over thirteen hundred residential properties and conducting response activities at more than one hundred properties where soil exceeded the residential site-specific action level of 250 ppt of dioxin (the “SSAL”). No further remedial action is required at the properties that have been sampled and had results less than the SSAL or were remediated. Based on area-wide sampling, and the boundary verification sampling, properties outside the final MRA are presumed to be below the residential SSAL, and, therefore, these properties also do not require remediation.

As also evidenced by area wide sampling, soil on commercial and industrial properties within the MRA is below the generic dioxin cleanup criterion for non-residential uses, and so continued commercial and industrial use of these properties is acceptable. However, some of these properties may have soils exceeding the residential SSAL, and, therefore, maintaining commercial or industrial use, monitoring, or the implementation of other precautions, is appropriate. Numerous commercial properties have been sampled in the MRA. Commercial properties that have been sampled and that have soils below the 250 ppt SSAL do not require further remediation and do not have to be limited in the future to commercial or industrial use.

Through the sampling and remediation process Dow has significantly reduced the number of properties in the MRA that require monitoring and the implementation of further measures. For purposes of this ICP, the properties that have not yet been sampled and/or remediated shall be referred to as the “MRA Eligible Properties.” The MRA Eligible Properties include:

- 1) Residential Property in the MRA where access has not been granted.
- 2) Undeveloped wooded property in the MRA that has not yet been sampled.
- 3) Commercial or industrial property in the MRA that has deferred or declined sampling and/or remediation, that cannot be properly sampled due to practical problems and limitations (e.g., the building currently covers the entire parcel so there is no surface soil to sample), or that has not otherwise been investigated.

An up-to-date list of such properties shall be maintained by Dow and shall be provided to the MDEQ upon request.

1.2 IC Objectives

For the Midland Area Soils remediation, the primary IC objectives (the “IC Objectives”) are to:

- 1) Maintain existing office, commercial and industrial uses in those areas within the MRA that are zoned for such uses. Consistent with current zoning, this will limit the number of residential and “residential-like”¹ uses in these areas.
- 2) Identify and manage properties that are eligible for response activities but have not yet allowed access.
- 3) Identify properties that convert from non-residential use to residential or residential-like use, and provide for appropriate protective measures.
- 4) Regulate the movement and disposal of soil from MRA properties that have not been sampled and/or remediated.

¹ “Residential-like” uses include those uses that are not typical residential uses, but that have some aspects that are similar to typical homes and apartments. Examples of “residential-like” uses include day care centers, nursing homes, and transitional housing. It is reasonable to assume that exposure to soil at “residential-like” properties will usually be less than at typical homes, but precautions to limit exposure may still be appropriate.

- 5) Maintain the current restrictions on raising poultry and other farm animals that could ingest impacted soil within the City.

1.3 Michigan Requirements

Dow recently obtained a license renewal for the Midland Plant and Salzburg Landfill under Part 111, Hazardous Waste Management, of Michigan's Natural Resource and Environmental Protection Act (NREPA). The License would allow the continued operation of various processes at the Plant and Landfill, as well as on-site and off-site corrective action activities. Once approved by MDEQ, the RAP (and this ICP attached to the RAP) become an enforceable condition of the License.

As explained more fully in the sections that follow, this ICP relies on each of these means to implement land use restrictions throughout the MRA:

- **Restrictive covenants** will be relied upon to restrict certain property currently or previously owned by Dow, the City, or Midland Tomorrow.
- Current **local ordinances** will be relied upon to restrict land use in the MRA and the raising of chickens and other farm animals in the City.
- A **license agreement** will be entered into with the Michigan Department of Transportation to address MDOT rights-of-way.
- A **contract between Dow and the City of Midland** will be entered into to facilitate the monitoring of land use changes within the MRA so that additional measures may be taken, as appropriate.

2.0 Existing Institutional Controls

Like many municipalities, the City of Midland has both a “Code of Ordinances,” which is the City’s general municipal or “police power” code, and a “Zoning Ordinance.” Generally speaking, the purpose of the Code of Ordinances is to regulate people’s activities, while the purpose of the Zoning Ordinance is to regulate land use (although this distinction is not always clear, given that land use invariably involves regulating human activity).

According to Midland’s Zoning Ordinance, “[n]o structure or tract of land, or part thereof, shall hereafter be used or occupied, and no structure, or part thereof, shall be erected, altered, or moved, except in conformity with the provisions of this Ordinance.” Zoning Ordinance, 3.01(A). The City’s “Zoning Enforcement Officer” is responsible for conducting inspections, investigating alleged violations, and enforcing the code. Zoning Ordinance, 31.05 and 31.07. Violations of the Zoning Ordinance and the Code of Ordinances constitute “municipal civil infractions” enforceable under section 34 of the City’s Code of Ordinances.

Zoning districts are adopted and set forth on the official zoning map for the City of Midland, available here:

<http://gis2.midland-mi.org/Html5Viewer/?viewer=public>

2.1 Existing Zoning

A list and summary of the zoning districts in the MRA is provided in Table 1. These districts are described in more detail in Part B of the City’s Zoning Ordinance.

TABLE 1. Zoning Districts within the MRA	
Zoning District	Summary
RA-3 - Residential.	This district allows single family dwellings, schools, day care centers, and similar residential or residential-like uses as of right.
RA-4 - Residential.	Single and double family dwellings and other residential uses are permitted as of right.
RB - Residential.	Multiple family dwellings are permitted with conditions; schools, parks and social service agencies are permitted as of right.

RC - Regional Commercial.	According to the zoning ordinance, the purpose of this district is to offer an area for a diversity of retail, service, entertainment, office, finance and related businesses. Traditional residential uses are not permitted in this district. Aside from traditional commercial uses, the district also allows child care centers, colleges, day shelters, residential treatment facilities, transitional housing, campgrounds, and outdoor recreational facilities.
NC - Neighborhood Commercial	The purpose of this district is to provide locations for businesses that meet day-to-day shopping and service needs. No single family dwellings are allowed, but multiple-family dwellings are permitted if site development standards are met. Other allowed uses are similar to those permitted in the RC district, except that recreational and university uses are more limited, light industrial uses are not allowed, and some large scale commercial uses are prohibited (e.g., home improvement centers).
OS - Office Services.	The intent of this district is to accommodate administrative and professional offices, personal service businesses, and supporting retail. The only residential uses that are permitted as of right are dwelling units on the upper floors above business establishments. Other uses permitted as of right include schools, parks, child care centers and residential inpatient treatment facilities. Nursing homes are permitted with special conditions. Single and multiple family housing is permitted with the approval of the City Council as a conditional land use.
COM - Community.	This district provides for public and private uses with community significance, such as civic centers, museums, stadiums and parks. Residences are not allowed, however, schools, transitional housing, and residential treatment centers are authorized. Juvenile service facilities and correctional facilities are permitted with the approval of the City Council as conditional land uses.
LCMR - Limited Commercial, Manufacturing and Research.	This district provides for mixed use office and industrial uses in a campus like setting. Although office and industrial uses are the focus, child/day care centers are allowed as of right, and colleges, residential treatment centers, transitional housing and day shelters are permitted with conditions.

IA - Industrial.	This district is for industrial uses with limited off-site impacts. Residential uses are not allowed.
IB - Industrial.	Intensive industrial activities, to be separated from residential and commercial areas. Residential uses are not allowed.

Accordingly, the Zoning Ordinance already prohibits most residential uses within the office, commercial, and industrial districts in the MRA, and makes many “residential-like” uses subject to site development standards or conditional approval.

2.2 Existing Codes

Section 3, Article 3 of the City’s Code of Ordinances makes it unlawful to keep or breed any “farm animal” except for animals in areas of the City that are zoned agricultural, parade/show animals, and miniature pigs. The Code of Ordinances references the Zoning Ordinance’s definition of “farm animal”: “[a]ny animal customarily found in farming operations, such as . . . horses, cows, goats, pheasants, chickens, ducks, geese, sheep, swine . . . or any other type of poultry or fowl or bees.” Zoning Ordinance, 2.02. There are currently nine areas of the City that are zoned agricultural, four along the west edge of the city (west of Poseyville Road) and five along the east edge (generally along or near Highway 10). None of these areas are in the MRA. Essentially, keeping farm animals within the majority of the City is already prohibited.

2.3 Other Existing ICs

In 2012 and 2013, Dow purchased and donated to Midland Tomorrow approximately fifty single and multi-family residential parcels located in two areas of the City near Dow’s Michigan Operations facility. A goal of the program was to foster economic growth by facilitating the conversion of the properties to commercial and industrial uses, consistent with similar uses in the surrounding area and consistent with current zoning. As part of that transaction, restrictive covenants were recorded in the deed records for each property that:

- Prohibit residential and residential-like uses;
- Prohibit groundwater wells; and
- Require that any surface soils be managed in compliance with all laws and regulations under the supervision of Dow.

Restrictive Covenants are attached as Attachment D to this ICP.

2.4 Informational ICs

Numerous informational efforts have been undertaken by Dow and the MDEQ in the City of Midland in order to provide residents and property owners with pertinent information regarding

the SSAL, potential exposure risks, the extent of the MRA, and the sampling and remediation effort. These informational devices and efforts included:

- Project websites maintained by both MDEQ and Dow.
- Midland Resolution Project Newsletters, Factsheets and Brochures distributed to the public.
- Frequent press releases and public notices.
- Public presentations at Central Middle School and the Grace A. Dow Memorial Library and MDEQ Availability Sessions at the Midland Center for the Arts.

In addition, the MDEQ sent notice letters to all residential property owners in the MRA where response activities were completed. Sample notice letters are attached as Attachment B.

3.0 Proposed Institutional Controls

The Midland Area Soils remedy has been selected and implemented to be consistent with current zoning in the City of Midland. Areas that are zoned “industrial,” “commercial,” “office,” and “residential” will be able to maintain industrial, commercial, office, and residential uses, respectively, and any other uses allowed by the Zoning Ordinance.

The proposed ICs will rely on the current prohibitions already included in the City of Midland Zoning Ordinance and Code of Ordinances and will implement a monitoring system to identify changes in land use that require follow-up (e.g., a switch from commercial to residential or residential-like use). The current City ordinances already prohibit residential use in much of the MRA. While there are and will be exceptions to the general prohibition, those should be limited in number, and can be addressed through the monitoring program discussed below.

3.1 City Zoning Ordinance and Code of Ordinances

The City’s current Zoning Ordinance and Code of Ordinances achieve or help achieve the following IC Objectives:

- **Maintain office, commercial and industrial use in those areas within the MRA that are zoned for such uses.** Much of the MRA is zoned for either office, commercial or industrial use; specifically, zoning districts NC, RC, LCMR, OS, IA and IB. With few exceptions,² these districts prohibit one-family, two-family, and multiple-family dwellings. Because these restrictions are in place, most of the property in these districts is anticipated to be used for non-residential purposes in the future. Even if approval for a conditional land use including dwellings is sought for a property within the MRA, the notification process and protective measures explained below would be activated by the request to the City for such a change in use.
- **Identify properties that convert from non-residential use to residential or residential-like use, and provide for appropriate protective measures.** The NC, RC, LCMR, OS, IA and IB zoning districts authorize some limited residential and residential-like uses as permitted uses (P), permitted uses with special conditions (S), or conditional uses (C). Residential and residential-like uses that are authorized are listed on the following table (blank boxes indicate that the use *is not allowed*).

	NC	RC	LCMR	OS	IA	IB
One-Family Dwelling				C		
Two-Family Dwelling				C		
Multiple-Family Dwelling	S			C		
Townhouses						

² The RC district permits multi-family dwellings so long as site development standards are met; the OS district permits one-family, two-family, and multi-family dwellings as conditional land uses requiring the approval of the City Council.

Residential Care Facilities (Child Care)	C	C	P	P	P	P
Dwelling Units on Upper Floors	S					
Primary/Elementary Schools		P		P		
Transitional Housing		S	S			
Campgrounds and Outdoor Recreational		C				
Residential Treatment		S	S			
Boarding Houses						
Housing for the Elderly, Nursing Homes				S		
Mobile Home Parks						

As described in Section 3.5 below, the City has conceptually agreed to help Dow monitor relevant land use changes in the MRA. For example, the City can provide Dow with notice of any conditional (C) use applications, which require approval by the City Council. In addition to conditional uses, a number of other changes in use, or activities related to changes in use, require City notice, review and/or approval, and this information can be passed on to Dow:

- New dwellings, dwelling units, and habitable rooms shall not be occupied unless a certificate of compliance with the Housing Code has been issued by the City. Code of Ordinances, section 12-156 and 12-158. “Dwelling” is defined broadly to include “any building which is wholly or partly used or intended to be used for living or sleeping by human occupants.” “Habitable room” means any enclosed space used for “living, sleeping, cooking or eating purposes.” Code of Ordinances, section 12-5. This requirement will alert the City to all new residential uses, and almost all residential-like uses (with the possible exception of primary and elementary schools).
- Any construction project that involves the erection or conversion of any building that creates more than 7,500 square feet of space requires site plan approval by the City, Zoning Ordinance, section 27.02, and any “earth change” involving more than one acre of land requires a soil erosion and sedimentation control permit from the City Planning and Community Development Department. Code of Ordinances, chapter 5, article 5. These requirements would alert the City to any new school that is planned, or other large scale residential-like uses.
- Variances from zoning requirements and, similarly, the creation of “planned unit developments” (“PUDs”) require City approval. Zoning Ordinance, articles 24 and 29. This will alert the City to all new residential and residential-like uses that will be allowed as zoning variances or PUDs.

- Michigan law requires that changes in property ownership be communicated to the City by the filing of a property transfer affidavit with the City tax assessor's office within 45 days of transfer. MCL 211.27a(10).

These requirements effectively alert the City to any change in use that would result in a new residential or residential-like use in the MRA. Further, the City receives notice of any changes in property ownership, which provides an opportunity to address holdout MRA Eligible Properties. This information can be conveyed by the City to Dow so that Dow can take appropriate action (see section 3.5, below).

- **Maintain the existing limits on raising poultry and other farm animals that could ingest impacted soil within the City.** As noted above, the City already prohibits farm animals within the City limits, except for outlying areas zoned "Agricultural."

Only minor amendments to the City's current Zoning and Code of Ordinances are proposed. Specifically, Part 201 requires that when a local ordinance serves as an IC, the ordinance "shall include a requirement that the local unit of government notify the department at least 30 days prior to adopting a modification to the ordinance or prior to the lapsing or revocation of the ordinance." MCL 324.20121(8). Proposed code amendments to implement this notice requirement are attached as Attachment A.

3.2 Proposed Restrictive Covenants

The City of Midland owns more than 100 acres of land in the MRA that is zoned "Community":

- **M-20 Park.** The City of Midland obtained title to the park land that sits between the two lanes of M-20 via a quit claim deed from the Midland Foundation in 1988. The property consists of over 130 separate parcels of land (many from the "Larkin's Addition" to the City of Midland). The conveyance to the City is subject to any "easements, reservations and restrictions of record," and, accordingly, is subject to any Michigan State Highway Department easement on the property (see section 3.3 below). Otherwise, there do not appear to be any legal restrictions of note on the property, such as restrictions prohibiting residential use in the future, although given the location between two roadway rights-of-way, residential use is extremely unlikely. Nonetheless, Dow will include these properties in the long-term property monitoring program, in accordance with Attachment A of Part III. Because the property is within the proposed MRA, the property will also be subject to the MISS DIG soil management standards set forth below (see section 3.4).
- **City of Midland Property.** The City of Midland owns a wastewater treatment plant and pumping station in the southern portion of the MRA. If necessary, Dow will request that the City record a restrictive covenant that prohibits residential use in the future (see Attachment C). This property is also within the proposed MRA, and so soil management will be addressed through application of the MISS DIG, as discussed below. The City

also owns property outside the MRA that is zoned agricultural, and, therefore, is not subject to the Code provision prohibiting the raising of poultry and livestock. Therefore, Dow will request that the City record a restrictive covenant on these properties to prohibit keeping or raising of farm animals or livestock there (see Attachment C).

- **All Other.** All other City of Midland Community property has been sampled and remediated, as warranted, as if it was residential property, and, therefore, no restrictions regarding future use are necessary.

Dow may elect to obtain access to some or all of the city property described above and, if granted, will sample the property in order to identify those properties that are less than or equal to the SSAL and do not require additional control. Dow will only request that the city record a restrictive covenant on property determined to be above the SSAL or any property that has not been sampled. See the Property Monitoring Plan, Attachment B, for additional information.

Easement holder consent will not be obtained for these restrictive covenants. These proposed covenants merely prohibit future residential use, consistent with current use and zoning. Easement holders are not affected by this restriction. Soil management requirements will be addressed through the MISS DIG program, which does not require consent.

Dow owns approximately 700 acres of land in the MRA that is primarily zoned Limited Commercial, Manufacturing and Research (LCMR) or Industrial. Dow proposes to record restrictive covenants that prohibit residential use and provide management requirements for soil (see Attachment E). These properties are within the proposed MRA, and so soil management will also be addressed through application of the MISS DIG program.

Some of the Dow property within the MRA is under long term lease to the Michigan Baseball Foundation and Xalt Energy LLC. Additionally, there are existing easements on most of the Dow property. Lease holders and easement holders will be provided notice of the restrictive covenants. These proposed covenants prohibit future residential use consistent with current ordinances, use and zoning. Lease holders and easement holders are not affected by these restrictions. Soil management requirements contained in the restrictive covenants will have some effect on some easement holders (soil management practices are already required in the terms of lease and in some easements); however, soil management requirements will also be addressed through the proposed MISS DIG process.

Dow also owns approximately 360 acres of land that is currently zoned agricultural within the City of Midland and outside the MRA. Dow proposes to record restrictive covenants that specifically prohibit keeping or raising poultry or livestock for human consumption (see Attachment F).

3.3 MDOT Licensing

The Michigan State Highway Department (“MDOT”) obtained easements for the M-20 right of way from the various underlying property owners in and around 1959. This is the only area of MDOT property within the MRA. The easement documents (called “Highway Easement Releases”) grant to the State easements for “highway purposes” that are 80 feet wide for each lane of M-20. The easements are expressly perpetual; therefore, there is no need to place further restrictions on the property in order to prohibit future residential use, given that the property will always be used for highway purposes.

The easements grant to the State the express right to remove trees, shrubs and other vegetation, and impliedly grant the right to grade and remove soil. Therefore, while restrictions are not needed to prohibit residential use, precautions are appropriate to protect against the movement and/or improper disposal of excavated soil. To this end, Dow proposes to enter into an “Environmental License Agreement” with MDOT. This is a form and procedure that MDOT has created to address contamination in MDOT-controlled rights-of-way. MDOT’s license application forms are attached as Attachment G. Dow proposes that the License “conditions” include a requirement that MDOT notify Dow before commencing maintenance or construction activities within the MRA, in which case Dow will arrange for either appropriate sampling (to determine if any soil exceeds the Action Level) or the proper use or disposal of any excavated soil, either within the right-of-way, on Dow industrial property, or at the Midland Landfill. As part of the License application process, Dow must also submit a “Technical Summary Report of Environmental Conditions.” This report describes the area of contamination and discusses due care issues, providing appropriate explanation and notice to MDOT.

Dow may elect to obtain access to some or all of the MDOT easement property described above and, if granted, will sample the property in order to identify those properties that are less than or equal to the SSAL and do not require additional control. Dow will only enter into a license agreement with MDOT on property determined to be above the SSAL or any property that has not been sampled. See the Property Monitoring Plan, Attachment B, for additional information.

3.4 MISS DIG

Dow will implement a MISS DIG monitoring and notification program, as described in Attachment B. This program will provide property owners or their contact with information on how to properly manage soils, as well as Dow contact information to obtain additional guidance and assistance.

3.5 Contract between Dow and the City of Midland.

As discussed above, most of the property in the MRA has either 1) been sampled and/or remediated to meet the 250 ppt TEQ SSAL, and therefore does not require further action; or 2) is City, MDOT or Dow owned property that will be restricted through the implementation of licenses or restrictive covenants. This leaves a comparatively small area/number of city owned

property,³ residential holdout property, wooded land, and commercial and industrial properties (the MRA Eligible Properties) that require monitoring and, potentially, land use controls, sampling, or further remedial action.

The City has conceptually agreed to help Dow monitor relevant land use and property ownership changes in the MRA so that Dow can take appropriate action when property ownership changes or a relevant change in use is proposed. In this regard, Dow proposes that Dow and the City of Midland enter into a contract or memorandum of agreement to define the notification process. Such a contract or memorandum would:

- Require that Dow provide an updated list of MRA Eligible Properties to the City on a regular basis, and a copy of the proof of financial assurance documents in accordance with MDEQ's Part 111 rules.
- Provide that the City notify Dow when it learns⁴ of a relevant proposed change in use or ownership for an MRA Eligible Property, and provide a clear mechanism for giving such notice to Dow (contact information, etc.).
- Provide that the City notify Dow prior to the amendment or lapsing of the existing Farm Animal Ordinance and/or instances of refusals to comply with the ordinance after being cited for non-compliance.
- Provide for the proper management of excavated soil from projects that the City or its contractors undertake (e.g., road repair, etc.).
- Set forth contract terms of renewal and cancellation. For example, the parties to the contract should periodically review the contract to determine whether the contract should be renewed or terminated. At some point, the number of MRA Eligible Properties will be negligible, and so an alternative monitoring process will likely make more sense.

Upon receiving notice from the City as described above, Dow will contact the property owner and use best efforts (as detailed in the IRDC, Section 7.4.2) to obtain access to the property in order to implement one of the following site development standards:

Site Development Standards

1. **Composite sampling:** Dow will sample surface soils in outdoor areas at the property in accordance with a composite sampling and data evaluation plan approved by the MDEQ; if the results of that sampling show that composite surface soils contain less than or equal to 250 parts per trillion of dioxins and furans (toxic equivalence quotient [TEQ]), then no

³ In particular, the City owns the park land that sits between the two lanes of M-20. This property consists of over 130 separate parcels of land. The property is subject to any "easements, reservations and restrictions of record," and, accordingly, is subject to any Michigan State Highway Department easement on the property (see section 3.3). Otherwise, there do not appear to be any legal restrictions of note on the property, such as restrictions prohibiting residential use in the future, although given the location between two roadway rights-of-way, residential use is extremely unlikely. This property will be sampled by Dow, and, as appropriate, included in the monitoring program discussed in this section. Because the property is within the proposed MRA, the property will also be subject to the MISS DIG soil management standards set forth below (see section 3.4).

⁴ See section 3.1.

additional activities are required; if above 250 ppt TEQ, then Dow will implement either paragraph 2 or 3, below.

2. **Soil removal:** Dow will implement the remedy consistent with Sections 7.4.6 and 7.4.7 of the IRDC, along with a site-specific plan developed with the property owner or representative. Excavated soils will be disposed of at the City of Midland landfill, or will be relocated and used at Dow's Michigan Operations Facility.
3. **Site-specific standards:** Dow will implement site-specific development standards for the property that are approved in writing by the MDEQ. These standards could include engineering controls, ICs, or a combination of the two.

3.6 Permanent Markers

No permanent markers are proposed. The MRA is over 1,700 acres in size and includes more than 1,500 properties, making the use of permanent markers impractical and of doubtful effectiveness.

4.0 Implementation and Monitoring of Institutional Controls

4.1 Implementation

Dow proposes to proceed pursuant to the schedule in Section 6 to implement the proposed ordinance amendment and other ICs.

4.2 General Enforcement and Monitoring

This section describes the enforcement mechanisms and monitoring activities proposed to enforce, monitor, and maintain the integrity of the ICs.

An enforcement mechanism for the City ordinances is already in place. The City codes contain enforcement provisions making violations of the relevant code sections legally enforceable and subjecting violators to fines, penalties and corrective measures. See City of Midland Zoning Ordinance, Sec. 31.07; City of Midland Code of Ordinances, Sec. 34-5.

Finally, the proposed ordinance amendment contains notification requirements so that MDEQ is notified before any relevant changes to the code of ordinances are made (See Attachment A). These are legally binding requirements on the City, and will ensure that the MDEQ will have notice of any relevant amendment or lapsing of the code.

In order to fully assure continued implementation and compliance, Dow proposes to periodically review the relevant ordinance provisions and check the MISS DIG system, as described in the Property Monitoring Plan, Attachment B of the RAP.

In regard to the proposed restrictive covenants on City-owned land, these restrictive covenants are reliable and do not need to be actively monitored. The property that will be restricted is primarily landfill property and a wastewater treatment plant. The potential for these properties to be sold and converted to residential use, from a practical point of view, is extremely small. Also, it is implausible that the City would disregard the health warnings in the restrictive covenants and allow activities contrary to the covenants in spite of those warnings.

Likewise, the MDOT license process (see documents attached as Attachment F) is reliable and does not need to be actively monitored. The MDOT license process is binding on both Dow and MDOT, and is designed to provide MDOT with the information that it needs to track areas of contamination and take appropriate action. MDOT has a system in place to track impacted areas and licenses. The licenses require that Dow notify the MDEQ of any license modification, deletion, or termination, which Dow agrees to do, and so MDEQ will be given notice of any changes that are made.

4.3 MRA Eligible Properties

Dow will send an updated list of MRA Eligible Properties to the City and MDEQ at least once every year.

5.0 Contingency Plan

If, for whatever reason, the ICs proposed or the contract between Dow and the City of Midland in this ICP are not implemented, or the prohibition against raising farm animals in the City is challenged and is deemed to violate the Right to Farm Act (“RTFA”), then Dow will carry out the following contingency actions:

- **General.** Most residential uses are already prohibited in areas that are industrial and commercially zoned within the MRA. However, there are some properties where land use could change from commercial to residential-like use and these properties have either not been sampled or have been sampled and the result is greater than 250 ppt TEQ. If the institutional controls proposed or the contract between Dow and the City of Midland are not implemented, then Dow will notify MDEQ in writing to discuss alternative means to carry out the relevant institutional control objective. In the event that the City does not enter into a contract to provide Dow with information on ownership and land use changes, Dow will monitor publicly available records and periodically evaluate the non-residential property to identify potential land use changes.
- **Farm animals.** The prohibition against farm animals in the City is already in place. The primary amendment to the provision being proposed by Dow is a notice provision that requires that the City notify the MDEQ if the provision is amended or lapses.

In the unlikely circumstance that the City’s ban against raising farm animals in the City is challenged and is deemed to violate the RTFA, the RTFA provides an exception for local ordinances if the local unit of government obtains approval for the ordinance from the Agriculture Commission.⁵ This exception is available if “adverse effects on the environment or public health will exist within the local unit of government.” To apply for the exception, Dow would work with the City to follow the process set forth in the RTFA for Agriculture Commission approval. Specifically, the ordinance would be submitted to the Department of Agriculture for review at least forty-five days before re-enactment. The Department of Agriculture’s director would then hold a public meeting to review the proposed ordinance, and “shall consult with the departments of environmental quality and community health and shall consider any recommendations of the county health department of the county where the adverse effects on the environment or public health will allegedly exist.” The director must make a recommendation on whether the ordinance should be approved within 30 days after the public meeting. Given the dioxin contamination within the City, it is anticipated that the Agriculture Commission would approve the ordinance, allowing the City to re-adopt and fully enforce the ordinance.

⁵ MCL 286.474(7).

6.0 Schedule

TABLE 2. IC Implementation Schedule	
Action	Timing
File petition and submit proposed ordinance amendment (see Attachment A) to the City Council. Work with the City to seek review and adoption of the o amendments.	File within forty-five (45) days of MDEQ's approval of the RAP and this ICP. Dow will then work with the City pursuant to the timetable that the City sets.
Submit proposed restrictive covenants to City to restrict City property, as described in section 3.2. Work with the City to assist in the execution and recordation of the covenants.	Submit request for access to sample City property and/or propose covenants to the City within thirty (30) days of MDEQ's approval of the RAP and this ICP. Dow will then work with the City to complete sampling and/or have the covenants signed and recorded within a reasonable time (depending on the City's process for doing so).
Execute contract or memorandum of agreement between Dow and the City (see section 3.5).	A draft memorandum of agreement has already been reviewed by Dow, the City and MDEQ. Work with the City to finalize and execute the contract (depending on City process for doing so).
Apply for an MDOT Environmental License Agreement by submitting all necessary forms and the Technical Summary Report of Environmental Conditions to MDOT.	Submit request for access to sample MDOT easement and/or apply for a license within sixty (60) days of MDEQ's approval of the RAP and this ICP.
Record Restrictive Covenants on applicable Dow owned property, as described in section 3.2	Within sixty (60) days of MDEQ's approval of the RAP and this ICP.
Conduct annual IC review. Submit follow up report to MDEQ.	As specified in the RAP.
Update lists of MRA Eligible Properties. Send updated lists to City with a copy to MDEQ.	Update lists once each year and send lists to City, with a copy to MDEQ.

14375945-1

Attachment A

Proposed Code Amendments

PROPOSED AMENDMENT
to
Add New Section to City of Midland Code of Ordinances

CHAPTER 3
ANIMALS AND FOWL
ARTICLE III
FARM ANIMALS

Sec. 3-48. Notice to Michigan Department of Environmental Quality.

The Michigan Department of Environmental Quality relies on this article to help address potential risks to public health that could be associated with historic dioxin contamination found in surface soil. The Council shall notify the Michigan Department of Environmental Quality at least thirty days prior to the amendment or lapsing of this article or any portion thereof.

Attachment B

MDEQ Notice Letters



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

February 14, 2014

SUBJECT: Parcel

On June 1, 2012, the Michigan Department of Environmental Quality (MDEQ) approved a work plan submitted by The Dow Chemical Company (Dow) to investigate and, if necessary, clean up soils at properties in an area with elevated dioxin levels related to historic airborne emissions from Dow. This area is located to the north and east of Dow's Midland plant site and is identified in the work plan as the "Resolution Area".

The approved work plan requires Dow to sample properties within the Resolution Area and clean up residential and residential-like properties with dioxin levels in soils that are above the Midland site-specific action level of 250 parts per trillion (ppt) of dioxins and furans (dioxin). In addition to approving the work plan, the MDEQ conducted field oversight of the sampling and sent samples from a number of properties to an independent laboratory for confirmation testing.

As part of this process, you allowed Dow to test the soil from the property located at the address identified above. Based on the test results, the dioxin concentration in the soil on this property was above the 250 ppt action level and required cleanup under Michigan law for contamination related to dioxin from Dow's historic waste management practices. The MDEQ visited your property to view the soil removal and yard restoration work in order to verify Dow's compliance with the work plan.

In addition, the MDEQ evaluated the annotated parcel photograph (enclosed) that was prepared by Dow to document the work that was done at your property. Please contact us by March 15, 2014, if the enclosed parcel photograph does not accurately represent your understanding of the work that was completed by Dow at your property. There is no need to contact us if you agree that the photograph is accurate.

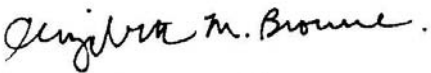
This letter confirms, based on the MDEQ's review as described above and subject to your agreement with the enclosed photograph, that cleanup of soil at this property has been completed in accordance with the approved work plan. As the property owner, you have no additional obligations with respect to any remaining dioxin in soils on your property. For example, because the approved cleanup has been completed and any such remaining dioxin is not an environmental hazard, you are not required by Michigan's environmental cleanup law, Michigan Compiled Laws (MCL) 324.20116, or the Residential Seller Disclosure Act, 1993 PA 92, MCL 565.951-966, to disclose such dioxin to any person to whom you transfer an interest in the property. This determination only relates to dioxin released from the Dow facility.

February 14, 2013

Additional information, including a Question and Answer document, is available online at www.michigan.gov/deq/dioxin under "Midland Area Soil Cleanup."

Thank you for your participation and assistance to resolve this matter. If you should have any questions or concerns regarding the determination conveyed in this letter, please contact Mr. Al Taylor, Hazardous Waste Section, Office of Waste Management and Radiological Protection, at 517-284-6573; taylora@michigan.gov; or MDEQ, OWMRP, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

Sincerely,



Elizabeth M. Browne, Chief
Office of Waste Management and
Radiological Protection
517-284-6551

Enclosure

cc: Mr. Steve Lucas, Dow
Ms. DeLores Montgomery/Mr. Art Ostaszewski/Mr. Al Taylor, MDEQ
Mr. Phil Roycraft, MDEQ
Ms. Trisha Confer, MDEQ
Dow Offsite Corrective Action - Midland File



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

October 10, 2014

SUBJECT: Parcel

On June 1, 2012, the Michigan Department of Environmental Quality (DEQ) approved a work plan submitted by The Dow Chemical Company (Dow) to investigate and, if necessary, clean up soils at properties in an area with elevated dioxin levels related to historic airborne emissions from Dow. This area is located to the north and east of Dow's Midland plant site and is identified in the work plan as the "Resolution Area".

The approved work plan, as updated annually, requires Dow to sample properties within the Resolution Area and Boundary Confirmation Areas and clean up residential and residential-like properties with dioxin levels in soils that are above the Midland site-specific action level of 250 parts per trillion (ppt) of dioxins and furans (dioxin). In addition to approving the work plan, the DEQ conducted field oversight of the sampling and sent samples from a number of properties to an independent laboratory for confirmation testing.

As part of this process, you allowed Dow to test the soil from the property located at the address identified above. Based on the test results, the dioxin concentration in the soil on this property is not above the 250 ppt action level and does not require cleanup for contamination related to dioxin from Dow's historic waste management practices.

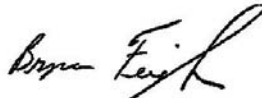
This letter confirms, based on the information obtained from the sampling done by Dow, that cleanup of soil at this property is not required under Michigan law. As the property owner, you have no additional obligations with respect to any remaining dioxin in soils on your property (e.g., you are not required to disclose the dioxin level to any person to whom you are transferring an interest in the property). This determination only relates to dioxin released from the Dow facility.

Additional information, including a Question and Answer document, is available online at www.michigan.gov/deqdioxin under "Midland Area Soil Cleanup."

October 10, 2014

Thank you for your participation and assistance to resolve this matter. If you should have any questions or concerns regarding the determination conveyed in this letter, please contact Mr. Al Taylor, Hazardous Waste Section, Office of Waste Management and Radiological Protection, at 517-614-7335; taylor@michigan.gov; or DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

Sincerely,



Bryce Feighner, P.E., Chief
Office of Waste Management and
Radiological Protection
517-284-6551

cc: Mr. Steve Lucas, Dow
Mr. Phil Roycraft, DEQ
Ms. Trisha Confer, DEQ
Ms. DeLores Montgomery/Mr. Art Ostaszewski/Mr. Al Taylor, DEQ
Dow Offsite Corrective Action - Midland File

Attachment C

City Restrictive Covenant Format

DECLARATION OF RESTRICTIVE COVENANT

Midland, Michigan

This Declaration of Restrictive Covenant (“Restrictive Covenant”) is made by the City of Midland, a Michigan municipality (“Midland”), which has an address of 333 West Ellsworth Street, Midland, Michigan 48640-5132, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at [**insert address or description of location**], which is described in Attachment 1 and depicted on Attachment 2 (the “Property”), and is recorded for the purpose of protecting public health, safety, welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the Property.

The Property is located in an area of the City of Midland that is subject to environmental response activities being conducted by Dow pursuant to a plan approved by the Michigan Department of Environmental Quality (“MDEQ”). Dioxins have been detected in surface soils in this area of the City. In some places, dioxin concentration levels exceed levels that have been determined to be appropriate for residential use based on a site specific residential cleanup criterion developed pursuant to Section 20120a(2) of NREPA.

The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in this Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

Definitions

“Dow” shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

“MDEQ” means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

“Memorandum of Agreement” or “MOA” means the Memorandum of Agreement in Support of Midland Resolution Area Activities entered into between Midland and Dow on _____, 2016, and any amendments thereto.

“NREPA” shall mean the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

“Owner” shall mean, at any given time, the then current title holder of the Property or any portion thereof.

“Response Activity” means any evaluation, interim response activity, remedial action, or other action necessary or appropriate to protect public health, safety or welfare, or the environment, and includes any “response activity” as that term is defined in Part 201 of NREPA, 1994 PA 451, MCL 324.20101 *et seq.*, as amended, or any “corrective action” as defined by Part 111 of NREPA, 1994 PA 451, MCL 324.11101 *et seq.*, as amended.

“Surface Soil” means soil, dirt, gravel and sand from the ground surface to one foot in depth.

NOW THEREFORE,

The City of Midland, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below.

1. Restrictions on Use: The Owner shall prohibit the following activities or uses on the Property or any portion thereof: all residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, schools, hotels, motels, hospitals, campgrounds, or similar uses.
2. Movement of Soil: If an activity or work at the Property will require the excavation and removal of Surface Soil, then the Owner agrees to manage the Surface Soil consistent with:
 - (a) All applicable laws, including section 20120c of Part 201 of NREPA.
 - (b) The MOA between the City and Dow if the Owner is the City of Midland and the MOA is effective at the time of the activity or work.

This section 2 does not apply to any of the following (a) de minimus amounts of Surface Soil that remain despite the Owner’s implementation of the measures described in this section, or (b) movement or removal of Surface Soil by the Owner that is coincidental with common landscape maintenance or lawn care.

3. Binding Nature, Term: Except as set forth in paragraph 4, below, this Restrictive Covenant shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
4. Modification: The Owner may request in writing to Dow and MDEQ modifications to this Restrictive Covenant, including the rescission of this Restrictive Covenant following the completion of further Response Activities. This Restrictive Covenant may be modified or

rescinded only with the written approval of both Dow and the MDEQ.

5. Enforcement: Dow and the MDEQ may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
6. Access: The Owner grants to Dow and the MDEQ the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant. The Owner grants to Dow the right to enter the Property at reasonable times for the purpose of conducting Response Activities.
7. Transfer of Interest: The Owner shall provide notice to Dow and the MDEQ prior to transferring title to any portion of the Property. A conveyance of title or other interest in the Property shall not be effectuated by the Owner without first providing notice of, and requiring compliance with, this Restrictive Covenant.
8. Notices: Any notice, request, or other communication that is required to be made under this Restrictive Covenant shall be made in writing, shall include a statement that the communication is being made pursuant to this Restrictive Covenant, and shall be delivered either personally or sent via first class mail as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

For MDEQ:

Chief, Office of Waste Management and Radiological Protection
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

9. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.

THE CITY OF MIDLAND

Print: _____

Title: _____

State of Michigan)

)

County of _____)

This Covenant was acknowledged before me on _____, 20__, by

_____.

Signed

Printed

Notary Public, State of Michigan, County of _____

Commission Expires _____

Acting in the County of _____

Prepared by:

Daniel K. DeWitt

Warner Norcross & Judd LLP

111 Lyon Street NW

Grand Rapids MI 49503

616-752-2208

11937779v6

Attachment 1 – Description of Property

Attachment 2 – Depiction of Property

DECLARATION OF RESTRICTIVE COVENANT

Midland, Michigan

This Declaration of Restrictive Covenant (“Restrictive Covenant”) is made by the City of Midland, a Michigan municipality (“Midland”), which has an address of 333 West Ellsworth Street, Midland, Michigan 48640-5132, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at [**insert address or description of location**], which is described in Attachment 1 and depicted on Attachment 2 (the “Property”), and is recorded for the purpose of protecting public health, safety, welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the Property.

The Property is located in an area of the City of Midland that is subject to environmental response activities being conducted by Dow pursuant to a plan approved by the Michigan Department of Environmental Quality (“MDEQ”). Dioxins have been detected in surface soils in this area of the City. In some places, dioxin concentration levels exceed levels that have been determined by the MDEQ to be appropriate for raising poultry or livestock.

The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in this Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

Definitions

“Dow” shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

“MDEQ” means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

“NREPA” shall mean the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

“Owner” shall mean, at any given time, the then current title holder of the Property or any portion

thereof.

“Response activity” means any evaluation, interim response activity, remedial action, or other action necessary or appropriate to protect public health, safety or welfare, or the environment, and includes any “response activity” as that term is defined in Part 201 of NREPA, 1994 PA 451, MCL 324.20101 *et seq.*, as amended, or any “corrective action” as defined by Part 111 of NREPA, 1994 PA 451, MCL 324.11101 *et seq.*, as amended.

NOW THEREFORE,

The City of Midland, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below.

1. Restrictions on Use: The Owner shall prohibit the keeping or raising of poultry or livestock on the property.
2. Binding Nature, Term: Except as set forth in paragraph 3, below, this Restrictive Covenant shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
3. Modification: The Owner may request in writing to Dow and MDEQ modifications to this Restrictive Covenant, including the rescission of this Restrictive Covenant following the completion of further Response Activities. This Restrictive Covenant may be modified or rescinded only with the written approval of both Dow and the MDEQ.
4. Enforcement: Dow and the MDEQ may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
5. Access: The Owner grants to Dow and the MDEQ the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant. The Owner grants to Dow the right to enter the Property at reasonable times for the purpose of conducting Response Activities.
6. Transfer of Interest: The Owner shall provide notice to Dow and the MDEQ prior to transferring title to any portion of the Property. A conveyance of title or other interest in the Property shall not be effectuated by the Owner without first providing notice of, and requiring compliance with, this Restrictive Covenant.
7. Notices: Any notice, request, or other communication that is required to be made under this Restrictive Covenant shall be made in writing, shall include a statement that the communication is being made pursuant to this Restrictive Covenant, and shall be delivered either personally or sent via first class mail as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

For MDEQ:

Chief, Office of Waste Management and Radiological Protection
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

8. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.

THE CITY OF MIDLAND

Print: _____

Title: _____

State of Michigan)

)

County of _____)

This Covenant was acknowledged before me on _____, 20__, by

_____.

Signed

Printed

Notary Public, State of Michigan, County of _____

Commission Expires _____

Acting in the County of _____

Prepared by:
Daniel K. DeWitt
Warner Norcross & Judd LLP
111 Lyon Street NW
Grand Rapids MI 49503
616-752-2208

Attachment 1 – Description of Property

Attachment 2 – Depiction of Property

Attachment D

Midland Tomorrow Restrictive Covenant

DECLARATION OF RESTRICTIVE COVENANTS

1805 Corning Lane, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at 1805 Corning Lane, Midland, Michigan and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no longer accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow

and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____.

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW

By: Scott Walker
SCOTT WALKER

Its: CEO

State of Michigan)

County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on November 19,
2012, by Scott Walker, not individually, but as CEO on behalf of
Midland Tomorrow, a Michigan nonprofit corporation, for the corporation.

Lori Nehring
Signature

Lori Nehring
Notary Public-Michigan
County of Midland
My Commission Expires 4/26/15

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487



Exhibit 1 – Legal Description of Property

Beginning 1160 feet South and 380 feet East of the Northwest Corner of the Northwest 1/4 of the Southwest 1/4 of Section 23, T14N, R2E, running thence North 252 feet, more or less; thence East 55 feet, more or less; thence South 252 feet, more or less; thence West 55 feet, more or less to the place of beginning.

Commonly known as: 1805 Corning Lane, Midland, Michigan 48642
PP# 14-23-60-372

DECLARATION OF RESTRICTIVE COVENANTS

1723 Corning Lane, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at 1723 Corning Lane, Midland, Michigan and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no longer accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow

and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____ .

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW

By: Scott Walker
SCOTT WALKER

Its: CEO

State of Michigan)
County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on November 19, 2012, by Scott Walker, not individually, but as CEO on behalf of Midland Tomorrow, a Michigan nonprofit corporation, for the corporation.

Lori Nehring
Signature

Lori Nehring
Notary Public-Michigan
County of Midland
My Commission Expires 4/26/15

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

EXHIBIT "A"

Situated in the City of Midland, Midland County, Michigan:

Commencing at the Northwest corner of the Northwest 1/4 of the Southwest 1/4 of Section 23, T14N, R2E, being the intersection common to Highway M-20 and Highway U.S. No. 10; thence South on the center line of said Highway U.S. No. 10, distance of 1160 feet; thence at right angles East 50 feet to the Easterly line of said highway right-of-way; thence Easterly 275 feet to the place of beginning; thence North 120 feet; thence at right angles East 55 feet; thence South 120 feet; thence at right angles West 55 feet to the place of beginning, being a parcel of land in the Northwest 1/4 of the Southwest 1/4 of Section 23, T14N, R2E.

1723 Corning Lane, Midland, MI, 48642

14-23-60-370

DECLARATION OF RESTRICTIVE COVENANTS

207 Wexford, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at **207 Wexford, Midland, Michigan** and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no longer accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive

Covenant. This Restrictive Covenant may be modified only with the written approval of Dow and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20 __, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____ .

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:
Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW

By: Scott Walker
SCOTT WALKER
Its: CEO

State of Michigan)
County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on November 19,
2012, by Scott Walker, not individually, but as CEO on behalf of
Midland Tomorrow, a Michigan nonprofit corporation, for the corporation.

Lori Nehring
Signature

Lori Nehring
Notary Public-Michigan
County of Midland
My Commission Expires 4/26/15

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

Exhibit 1 – Legal Description of Property

Situated in the city of Midland, Midland County, Michigan, described as follows:

Lot 8, Block 23 of Dow Chemical Company's Addition No. 1, as per plat thereof recorded in Liber A, Page 31, Midland County Records.

Property Address: 207 Wexford Avenue, Midland, Michigan 48640

Tax Code Number: 14-22-80-172

#2

DECLARATION OF RESTRICTIVE COVENANTS

1804 Corning Lane, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at 1804 Corning Lane, Midland, Michigan and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no longer accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow

and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:


NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____ .

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

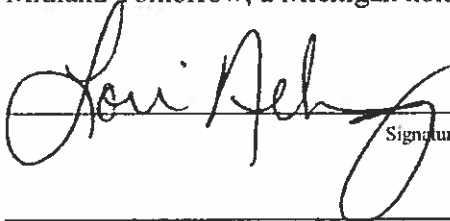
Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW

By: 
SCOTT WALKER
Its: CEO

State of Michigan)
County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on November 19, 2012, by Scott Walker, not individually, but as CEO on behalf of Midland Tomorrow, a Michigan nonprofit corporation, for the corporation.


Signature

Printed name exactly as it appears on application for commission as a notary public.

Lori Nehring
Notary Public-Michigan
County of Midland
My Commission Expires 4/26/15

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

EXHIBIT "A"

Situated in the City of Midland, Midland County, Michigan:

Commencing 1200 feet South and 380 feet East of the Northwest corner of the Northwest 1/4 of the Southwest 1/4, Section 23, T14N, R2E; thence South 120 feet; thence East 55 feet; thence North 120 feet; thence West 55 feet to the place of beginning and being a part of the Northwest 1/4 of the Southwest 1/4, Section 23.

1804 Corning Ln., Midland, MI, 48642

14-23-60-340

STATE OF MICHIGAN - MIDLAND COUNTY
JULIE K. ATKINSON, REGISTER OF DEEDS
RECEIVED: 11/05/2012 12:24:01 PM
RECORDED: 11/05/2012 12:24:25 PM
Receipt #037474

DECLARATION OF RESTRICTIVE COVENANTS

1008 Lincoln Street, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at **1008 Lincoln Street, Midland, Michigan**, and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. **Restrictions on Use:** The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no long accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow

and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____ .

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW, A MICHIGAN NON-PROFIT CORPORATION

By: *Scott Walker*
Scott Walker
Its: Chief Executive Officer

State of Michigan)
County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on October 19, 2012, by Scott Walker, not individually, but as Chief* for Midland Tomorrow, a Michigan non-profit corporation, for the corporation. ***Executive Officer**

Kathleen M. Sigsworth
Signature

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

Kathleen M. Sigsworth, Notary Public
State of Michigan, County of Midland
My Commission Expires 9/4/2018
Acting in the County of Midland



Exhibit 1 – Legal Description of Property

Lot 3, Block 22 of Dow Chemical Company's Addition No. 1, as per plat thereof recorded in Liber A of Plats at Page 45 of Midland County Records.

Property Address: 1008 Lincoln Street, Midland, MI 48640

Tax Code Number: 14-22-80-260

DECLARATION OF RESTRICTIVE COVENANTS

1310 East Carpenter, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at **1310 East Carpenter, Midland, Michigan** and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:

- A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
- B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no longer accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.

3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.

4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.
5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____.

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW, A MICHIGAN NON-PROFIT CORPORATION

By: *Scott Walker*
Scott Walker

Its: Chief Executive Officer

State of Michigan)
)
County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on October 19, 2012, by Scott Walker, not individually, but as Chief * of Midland Tomorrow, a Michigan non-profit corporation, for the corporation. * Executive Officer

Kathleen M. Sigsworth
Signature

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

Kathleen M. Sigsworth, Notary Public
State of Michigan, County of Midland
My Commission Expires 9/4/2018
Acting in the County of Midland

Exhibit 1 – Legal Description of Property

Situated in the city of Midland, Midland County, Michigan, described as follows:

Lot 9, Block 17 of Dow Chemical Company's Addition, per per plat thereof recorded in Liber A, Page 31, Midland County Records.

Property Address: 1310 East Carpenter Street, Midland, Michigan 48640

Tax Code Number: 14-21-10-052

DECLARATION OF RESTRICTIVE COVENANTS

1013 Third Street, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at **1013 Third Street, Midland, Michigan**, and legally described in Exhibit I attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no long accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow

and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. **Release:** The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. **Enforcement:** Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. **Severability:** If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. **Transfer of Interest:** The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____ .

9. **Notices:** Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674



MIDLAND TOMORROW, A MICHIGAN NON-PROFIT CORPORATION

By: *Scott Walker*
Scott Walker

Its: Chief Executive Officer

State of Michigan)

County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on October 19, 2012, by Scott Walker, not individually, but as Chief* for Midland Tomorrow, a Michigan non-profit corporation, for the corporation. * Executive Officer

Kathleen M Sigsworth
Signature

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

Kathleen M. Sigsworth, Notary Public
State of Michigan, County of Midland
My Commission Expires 9/4/2018
Acting in the County of Midland

Exhibit 1 – Legal Description of Property

Lot 10, Block 17 of Dow Chemical Company's Addition, as per plat thereof recorded in Liber A, Page 31, Midland County Records.

Property Address: 1013 Third Street, Midland, MI 48640

Tax Code Number: 14-21-10-050

DECLARATION OF RESTRICTIVE COVENANTS

1006 Third Street Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at **1006 Third Street, Midland, Michigan** and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no long accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive

Covenant. This Restrictive Covenant may be modified only with the written approval of Dow and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

- 5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
- 6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
- 7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
- 8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____.

- 9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:
Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW, A MICHIGAN NON-PROFIT CORPORATION

By: [Signature]
Scott Walker

Its: Chief Executive Officer

State of Michigan)
County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on October 19, 2012, by Scott Walker, not individually, but as Chief* for Midland Tomorrow, a Michigan non-profit corporation, for the corporation. ***Executive Officer**

[Signature]
Signature

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

Kathleen M. Sigsworth, Notary Public
State of Michigan, County of Midland
My Commission Expires 9/4/2018
Acting in the County of Midland

Exhibit 1 – Legal Description of Property

Situated in the city of Midland, Midland County, Michigan, described as follows:

Lot 4, Block 18 of Dow Chemical Company's Addition as per plat thereof recorded in Liber A, Page 31, Midland County Records.

Property Address: 1006 Third Street, Midland, Michigan

Tax Code Number: 14-21-10-032

DECLARATION OF RESTRICTIVE COVENANTS

1006 Lincoln Street, Midland, Michigan

This Declaration of Restrictive Covenants ("Restrictive Covenant") is made by Midland Tomorrow, a Michigan nonprofit corporation, having an address of 300 Rodd Street, Suite 201, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property located at 1006 Lincoln Street, Midland, Michigan, and legally described in Exhibit 1 attached hereto ("Property"). This Property was donated to Midland Tomorrow by The Dow Chemical Company.

Definitions

"Dow" shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

"Hazardous Substance" means any substance, waste or other material (including, without limitation, any petroleum product) defined or regulated as a hazardous substance, hazardous waste, hazardous material, toxic chemical, contaminant, pollutant, or similar under any environmental law.

"NREPA" shall mean the Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

"Owner" shall mean, at any given time, the then current title holder of the Property or any portion thereof.

NOW THEREFORE,

Midland Tomorrow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below. Such prohibitions, restrictions and covenants shall run with the land and burden the property in perpetuity and shall be binding upon all Owners, tenants and occupants of the Property.

1. Restrictions on Use: The following activities or uses on the Property or any portion thereof are prohibited:

- A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
- B. The installation, use, or maintenance of any well on the Property to extract groundwater for consumption, irrigation, or any other use, except for wells or similar devices installed as part of a groundwater investigation or cleanup (e.g., monitoring wells, purge wells). Any wells that violate this prohibition shall be properly plugged and abandoned by the Owner in compliance with all applicable laws.

Hazardous Substances may be present in soils on the Property. The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions at the Property; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in the Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

- 2. Disposition of Soil: Hazardous Substances may be present in soils on the Property. The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including NREPA. Any surface soil (zero to 12 inches in depth) that is excavated and that cannot be relocated to another portion of the Property or adjacent non-residential property owned by the Owner shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow's Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow's Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph (A) shall be transported to and disposed, at Owner's sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no long accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed. It shall be deemed unreasonable if such approval is not granted or denied within thirty (30) days of the request.
- 3. Term, Binding Nature: This Restrictive Covenant, including the Release set forth below, shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
- 4. Modification: The Owner may request in writing to Dow modifications to this Restrictive Covenant. This Restrictive Covenant may be modified only with the written approval of Dow

and Midland Tomorrow. Any modification to this Restrictive Covenant shall be filed with the Midland County Register of Deeds by the Owner and a certified copy shall be returned to Dow at the address listed below.

5. Release: The Owner and any tenants or occupants of the Property release, remise, acquit and forever discharge Dow, Midland Tomorrow, Eagle East Development, LLC, the Economic Development Corporation of the County of Midland, and any entity which is commonly controlled by, under common control with or which commonly controls any one or all of them and their directors, officers, and employees, from any and all causes of action, claims, demands, liabilities, costs, obligations, expenses, fines, penalties, and damages of any kind or nature whatsoever arising out of environmental conditions or Hazardous Substances at the Property regardless of whether the presence of such conditions or Hazardous Substances is or was known or unknown by Owner, occupant, or tenant, or disclosed or undisclosed to Owner, occupant, or tenant.
6. Enforcement: Dow may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
7. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.
8. Transfer of Interest: The Owner shall include in any instrument conveying any interest in any portion of the Property, including but not limited to, deeds, leases, and mortgages, a notice which is in substantially the following form:

NOTICE: THE INTEREST CONVEYED HEREBY IS SUBJECT TO A DECLARATION OF RESTRICTIVE COVENANTS, DATED _____, 20____, AND RECORDED WITH THE MIDLAND COUNTY REGISTER OF DEEDS, LIBER _____, PAGE _____ .

9. Notices: Any notice, demand, request, consent, approval, or communication that is required to be made or obtained under this Restrictive Covenant shall be made in writing and include a statement that the notice is being made pursuant to the requirements of this Restrictive Covenant and shall be delivered either personally or sent via first class mail, postage prepaid, as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

MIDLAND TOMORROW, A MICHIGAN NON-PROFIT CORPORATION

By: *Scott Walker*
Scott Walker

Its: Chief Executive Officer

State of Michigan)

)

County of Midland)

This Declaration of Restrictive Covenant was acknowledged before me on October 19,
2012, by Scott Walker, not individually, but as Chief* for Midland
Tomorrow, a Michigan non-profit corporation, for the corporation. *Executive Officer

Kathleen M. Sigsworth
Signature

Printed name exactly as it appears on application for commission as a notary public.

Notary Public, State of Michigan, County of _____
My commission expires _____
Acting in the County of _____

Prepared by and when recorded return to:
Daniel K. DeWitt
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street NW
Grand Rapids MI 49503-2487

Kathleen M. Sigsworth, Notary Public
State of Michigan, County of Midland
My Commission Expires 9/4/2018
Acting in the County of Midland

Exhibit 1 – Legal Description of Property

Lot 2, Block 22 of Dow Chemical Company's Addition No. 1, as per plat thereof recorded in Liber A, Page 45, Midland County Records.

Property Address: 1006 Lincoln Street, Midland, MI 48640

Tax Code Number: 14-22-80-262

Attachment E

Dow Restrictive Covenant Format

DECLARATION OF RESTRICTIVE COVENANT

Midland, Michigan

This Declaration of Restrictive Covenant (“Restrictive Covenant”) is made by The Dow Chemical Company (“Dow”), a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property listed and described [optional: and depicted] in Attachment 1 (the “Property”), and is recorded for the purpose of protecting public health, safety, welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the Property.

The Property is located in an area of the City of Midland that is subject to environmental response activities being conducted by Dow pursuant to a plan approved by the Michigan Department of Environmental Quality (“MDEQ”). Dioxins have been detected in surface soils in this area of the City. In some places, dioxin concentration levels exceed levels that have been determined to be appropriate for residential use based on a site specific residential cleanup criterion developed pursuant to Section 20120a(2) of NREPA.

The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in this Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

Definitions

“Dow” shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

“MDEQ” means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

“NREPA” shall mean the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

“Owner” shall mean, at any given time, the then current title holder of the Property or any portion thereof.

“Response activity” means any evaluation, interim response activity, remedial action, or other action necessary or appropriate to protect public health, safety or welfare, or the environment, and includes any “response activity” as that term is defined in Part 201 of NREPA, 1994 PA 451, MCL 324.20101 *et seq.*, as amended, or any “corrective action” as defined by Part 111 of NREPA, 1994 PA 451, MCL 324.11101 *et seq.*, as amended.

NOW THEREFORE,

Dow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below.

1. Restrictions on Use: The Owner shall prohibit the following activities or uses on the Property or any portion thereof:
 - A. All residential uses, including, but not limited to, single family homes, mobile homes, or multi-family apartments or condominiums, and also including day care centers, nursing homes, parks, schools, hotels, motels, hospitals, campgrounds, or similar uses.
 - B. Any activity that interferes with the effectiveness or integrity of any Response Activity undertaken by Dow at the Property.

2. Movement of Soil: The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including, but not limited to, Section 20120c of NREPA, and the following requirements. Any surface soil (soil from zero to twelve inches in depth) that is excavated and that cannot be relocated to another portion of the Property shall be managed as follows:
 - A. The Owner shall notify Dow before excavation begins to determine whether Dow, in its sole discretion, will accept and use all or part of the soil on Dow’s Michigan Operations facility located in Midland, Michigan. The Owner is responsible for all costs of excavation and transport to Dow’s Michigan Operations facility in Midland, Michigan. Once the soil has been delivered to Dow, the Owner shall have no further responsibility for the soil.
 - B. Any soil not accepted by Dow under subparagraph A shall be transported to and disposed, at Owner’s sole cost and expense, at the City of Midland landfill, or, if the City of Midland landfill is permanently closed or is no longer accepting waste, to another solid waste landfill licensed by the State of Michigan and approved by Dow, which approval shall not be unreasonably withheld, conditioned or delayed.

3. Exceptions: The residential use restriction set forth in subparagraph 1.A shall not apply to any area of the Property at which either of the following has occurred:

- A. The top twelve inches of soil have been excavated and removed and have been replaced with at least twelve inches of clean fill or soil. All surface soil initially removed from the Property must be managed in accordance with paragraph 2; any clean fill that is subsequently removed from the Property is not subject to paragraph 2.
 - B. The Owner has demonstrated through implementation of a sampling plan approved by Dow and MDEQ that dioxins in soil are below applicable generic or site specific residential cleanup criteria developed and approved under NREPA, including, but not limited to, Section 20120a.
4. Binding Nature, Term: Except as set forth in paragraph 5, below, this Restrictive Covenant shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
 5. Modification: The Owner may request in writing to Dow and MDEQ modifications to this Restrictive Covenant, including the rescission of this Restrictive Covenant following the completion of further Response Activities. This Restrictive Covenant may be modified or rescinded only with the written approval of both Dow and the MDEQ.
 6. Enforcement: Dow and the MDEQ may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
 7. Access: The Owner grants to Dow and the MDEQ the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant. The Owner grants to Dow the right to enter the Property at reasonable times for the purpose of conducting Response Activities.
 8. Transfer of Interest: The Owner shall provide notice to Dow and the MDEQ prior to transferring title to any portion of the Property. A conveyance of title or other interest in the Property shall not be effectuated by the Owner without first providing notice of, and requiring compliance with, this Restrictive Covenant.
 9. Notices: Any notice, request, or other communication that is required to be made under this Restrictive Covenant shall be made in writing, shall include a statement that the communication is being made pursuant to this Restrictive Covenant, and shall be delivered either personally or sent via first class mail as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

For MDEQ:

Chief, Office of Waste Management and Radiological Protection
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

10. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.

THE DOW CHEMICAL COMPANY

Print: _____

Title: _____

State of Michigan)

)

County of _____)

This Covenant was acknowledged before me on _____, 20__, by

_____.

Signed

Printed

Notary Public, State of Michigan, County of _____

Commission Expires _____

Acting in the County of _____

Attachment 1 – Property

Attachment F

Dow Agriculturally Zoned Property Restrictive Covenant Format

DECLARATION OF RESTRICTIVE COVENANT

Midland, Michigan

This Declaration of Restrictive Covenant (“Restrictive Covenant”) is made by The Dow Chemical Company (“Dow”), a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, and is recorded with the Midland County Register of Deeds. This Restrictive Covenant applies to the property listed and described [optional: and depicted] in Attachment 1 (the “Property”), and is recorded for the purpose of protecting public health, safety, welfare, and the environment by prohibiting or restricting activities that could result in unacceptable exposure to environmental contamination present at the Property, specifically, dioxins have been detected in surface soils in this area of the City.

The restrictions contained in this Restrictive Covenant are based upon information available at the time of recording of this Restrictive Covenant. Future changes in the environmental condition of the Property; the discovery of previously unknown environmental conditions; or the use of the Property in a manner that is inconsistent with the restrictions described herein; may result in this Restrictive Covenant not being protective of public health, safety, welfare, and the environment.

Definitions

“Dow” shall mean The Dow Chemical Company, a Delaware corporation, which has an address of 2030 Dow Center, Midland, Michigan 48674, its subsidiaries and successor entities.

“MDEQ” means the Michigan Department of Environmental Quality, its successor entities, and those persons or entities acting on its behalf.

“NREPA” shall mean the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, MCL 324.101 *et seq.*, as amended.

“Owner” shall mean, at any given time, the then current title holder of the Property or any portion thereof.

“Response activity” means any evaluation, interim response activity, remedial action, or other action necessary or appropriate to protect public health, safety or welfare, or the environment, and includes any “response activity” as that term is defined in Part 201 of NREPA, 1994 PA 451, MCL 324.20101 *et seq.*, as amended, or any “corrective action” as defined by Part 111 of NREPA, 1994 PA 451, MCL 324.11101 *et seq.*, as amended.

NOW THEREFORE, Dow, the current Owner, covenants and declares that the Property shall be subject to the prohibitions, restrictions and covenants set forth below.

1. Restrictions on Use: The Owner shall prohibit the following activities or uses on the Property or any portion thereof:
 - A. Keeping or raising poultry or livestock on the Property for human consumption.
 - B. Any activity that interferes with the effectiveness or integrity of any Response Activity undertaken by Dow at the Property.
2. Movement of Soil: The Owner shall manage all soils located on the Property in accordance with all applicable requirements of the law, including, but not limited to, Section 20120c of NREPA.
3. Binding Nature, Term: Except as set forth in paragraph 5, below, this Restrictive Covenant shall run with the Property in perpetuity and shall be binding on the Owner; future owners; and all current and future successors, tenants, easement holders, their assigns, and their authorized agents, employees, or persons acting under their direction and control.
4. Modification: The Owner may request in writing to Dow and MDEQ modifications to this Restrictive Covenant, including the rescission of this Restrictive Covenant following the completion of further Response Activities. This Restrictive Covenant may be modified or rescinded only with the written approval of both Dow and the MDEQ.
5. Enforcement: Dow and the MDEQ may enforce the prohibitions, restrictions and covenants set forth in this Restrictive Covenant by legal action in a court of competent jurisdiction. All remedies available hereunder shall be in addition to any and all other remedies at law or in equity, including NREPA.
6. Access: The Owner grants to Dow and the MDEQ the right to enter the Property at reasonable times for the purpose of determining and monitoring compliance with this Restrictive Covenant. The Owner grants to Dow the right to enter the Property at reasonable times for the purpose of conducting Response Activities.
7. Notices: Any notice, request, or other communication that is required to be made under this Restrictive Covenant shall be made in writing, shall include a statement that the communication is being made pursuant to this Restrictive Covenant, and shall be delivered either personally or sent via first class mail as follows:

For Dow:

Michigan Operations Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674

For MDEQ:

Chief, Office of Waste Management and Radiological Protection
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, MI 48909-7741

8. Severability: If any provision of this instrument is held to be invalid by any court of competent jurisdiction, the invalidity of such provision shall not affect the validity of any other provision hereof, and all other provisions shall continue unimpaired and in full force and effect.

THE DOW CHEMICAL COMPANY

Print: _____

Title: _____

State of Michigan)

)

County of _____)

This Covenant was acknowledged before me on _____, 20__, by

_____.

Signed

Printed

Notary Public, State of Michigan, County of _____

Commission Expires _____

Acting in the County of _____

Attachment 1 – Property

Attachment G

MDOT License Forms and Documents

DRAFT

September ____, 2015

MDOT
425 W. Ottawa
Lansing, MI 48933

**Re: Proposed Environmental License Agreement between Dow and MDOT
Dow Chemical - Midland Area Soils Project**

The Dow Chemical Company (Dow), with oversight from the Michigan Department of Environmental Quality (MDEQ), has investigated the City of Midland area soils and conducted remedial activities on residential and non-residential property within the area of interest fulfilling Dow's obligations with respect to the historic airborne releases from the Michigan Operations Facility. The attached Technical Summary Report provides information on the environmental contamination and the potentially impacted Michigan Department of Transportation (MDOT) controlled property within the Midland Resolution Area (MRA). The MRA was established by Dow and MDEQ to include all properties where corrective action may be necessary due to the historical aerial release and impacts from dioxins and furans. MDOT holds easements for the M-20 Right of Way within the MRA and it has been concluded that precautions are appropriate to protect against the movement and/or improper disposal of excavated soil. Therefore, Dow proposes to enter into an Environmental License Agreement with MDOT.

For purposes of achieving an Environmental License Agreement with the MDOT, this submittal fulfills the requirements by providing the following information for the Midland Area Soils project:

- Attachment 1: The owner of the properties within the MRA that have current MDOT ROW;
- Attachment 2: Form 3760; and
- Attachment 3: Technical Summary Report for the Midland Area Soils project and affected MDOT controlled property.

If you have any questions or require additional information, please contact me at (989) 638-6012.

Sincerely,

Steven C. Lucas
Sr. Remediation Leader
The Dow Chemical Company
1790 Building
Midland, MI 48674
(989) 638-6012

Enclosures
mdc



DRAFT

The Dow Chemical Company
Midland Area Soils
M-20 Technical Summary Report

September __, 2015

Prepared by URS Corporation

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- Figure 2-1 MDOT Right of Way with Concentrations

Introduction

Pursuant to its Part 111 Hazardous Waste Management Facility Operating License (License), The Dow Chemical Company (Dow), with oversight from the Michigan Department of Environmental Quality (MDEQ), has investigated the City of Midland area soils and conducted remedial activities on residential and non-residential property within the area of interest fulfilling Dow's obligations with respect to the historic airborne releases from the Michigan Operations Facility. This report is the Technical Summary Report that provides specific information on the environmental contamination as it has impacted Michigan Department of Transportation (MDOT) controlled property within the Midland Resolution Area (MRA).

The Dow Michigan Operation facility is located in Midland, Michigan. The majority of Michigan Operations is located on the east side of the Tittabawassee River in the southern portion of the City of Midland. The facility location and layout are depicted in Figure 1-1.

The Midland Resolution Area is the area of interest for the Midland Area Soils project and covers approximately 1,700 total acres of property within the City of Midland. The MRA was established to include all properties where corrective action may be necessary due to the historical aerial release. The MRA was initially defined using data that existed at the time the project was started in 2012. In terms of land use, approximately 425 acres are in residential or residential-like land use and approximately 1,275 acres are in industrial/commercial land use. Figure 1-2 presents an overview of the Midland Resolution Area and includes the MDOT controlled property contained within the Midland Resolution Area. The area is largely contiguous to Dow Michigan Operations along the north and east of the facility fence line.

MDOT holds easements for the M-20 right of way from various underlying property owners. The MDOT controlled property included in the Midland Resolution Area occurs along portions of Saginaw Road, Bay City Road, and Business 10 including Patrick Road, Buttles Road, and Indian Road. The area of MDOT property within the MRA is shown on Figure 1-3, which also provides the GPS coordinates. The MDEQ Facility ID Number is MID 000 724 724.

1.0 Site History

The Dow Chemical Company's Michigan Operations began operations in 1897. Expansion in production operations during the past century resulted in growth of Michigan Operations from 25 to approximately 1,900 acres. The majority of Michigan Operations is located on the east side of the Tittabawassee River in the southern portion of the City of Midland. The plant location and layout are depicted on Figure 1-1.

1.1 Nature of the Release

The primary source of hazardous substances from Michigan Operations is airborne particulate deposition from historical waste handling and disposal operations. Surface and near-surface soils are the media affected by air emissions and subsequent deposition of dioxins and furans. Elevated dioxin and furan TEQ concentrations are predominantly found to the northeast (downwind) of Michigan Operations.

The primary mechanism for transfer of dioxins and furans is historical wind dispersion. Emission sources fall into two categories: fugitive and combustion. The fate (vapor phase and half-life) and transport mechanisms associated with these categories potentially influence the distribution of dioxins and furans.

1.2 Affected Media

Surface and near-surface soils are the media affected by air emissions and subsequent deposition. The following were the potentially relevant exposure pathways considered for over 200 hazardous substances within the affected media for the Midland Area Soils project:

- Ingestion and dermal contact with soil (direct contact protection).
- Soil volatilization to indoor air inhalation.
- Soil-to-ambient air inhalation of volatiles and particulates.
- Soil-to-groundwater leaching (drinking water protection).
- Soil-to-groundwater leaching to surface water (surface water interface protection).
- Soil-to-groundwater leaching dermal contact (groundwater contact protection).

The evaluation identified dioxin/furan TEQ and arsenic as COCs, and the direct contact pathway to soil as the relevant pathway to be addressed for the Midland Area Soils project.

1.3 Site-Specific Action Level

The site-specific action level (SSAL) is a site-specific criterion that applies in lieu of the MDEQ's default generic direct contact criterion for dioxin and furan TEQ of 90 ppt. The SSAL serves as the threshold trigger level for requiring presumptive response activities at a particular residential property. For the City of Midland, the approved residential SSAL for dioxin/furan TEQ of 250 ppt TEQ (based on the 2005 WHO TEFs [Van den Berg et al, 2006]) is protective of the public health, safety and welfare and appropriately takes certain updated and site-specific information into account while leaving a protective margin of safety. This approved action level serves as a "site-specific cleanup criterion" as described in Part 201 of Michigan's Natural Resources and Environmental Protection Act. The MDEQ generic non-residential direct contact criterion of 990 ppt TEQ was the action level used for industrial/commercial property within the MRA.

An evaluation demonstrated that where arsenic in soil exceeded the generic MDEQ direct contact criterion, dioxin and furan TEQ was also greater than the SSAL; and soil with dioxin/furan TEQ less than the SSAL did not contain arsenic at levels above the generic direct contact criterion. This relationship was confirmed by DEQ analysis of retained Midland soil samples. Based on the correlation between the two analytes, any location that indicates that a presumptive remedy is necessary based on a dioxin/furan TEQ concentration, would also address the potential presence of arsenic. Therefore, even though arsenic was retained as a COC, samples only required analysis for dioxin/furan TEQ to determine the need for a presumptive remedy.

1.4 Property Sampling

The remedial objective for the Midland Resolution Area for residential and residential-like properties was to reduce the dioxin and furan TEQ in impacted areas to a concentration that is below the SSAL, and thereby also address co-located arsenic. The objective was achieved by implementing remedial action for any area that has dioxin and furan TEQ at concentrations greater than the SSAL in the top six inches of soil as determined by incremental composite sampling. A phased approach that involved sampling and analysis to identify properties where a remedial action was necessary was used to systematically work through the properties located within the MRA. The

sampling and analysis were accomplished through incremental composite sampling. The samples collected were analyzed for dioxins and furans. Decision rules established standards for determining whether or not remedial action was warranted

Sampling efforts were implemented in 2012 upon MDEQ approval of the May 25, 2012 *Interim Response Activity Work Plan Designed to Meet Criteria* (IRDC). The IRDC presented the details of the sampling method, decision rules, and remedial actions that would be completed, if warranted based on sample results, for properties within the MRA.

The implementation activities were completed over a three year period, from 2012 through 2014. During this time period, Dow collected and analyzed over 1,633 samples from within and adjacent to the MRA beginning in areas closest to Michigan Operations and then systematically outwards and across the MRA in subsequent years. These data were used to establish the final boundary for the MRA and identify properties where remedial action was needed to address direct contact with surface soils for current land use. The concentration of dioxins and furans in the soil beyond the MRA is below the residential SSAL and will not require any actions to address the historic aerial releases. Figure 1-2 displays the final MRA boundary.

1.5 Remedy for Current Land Use

In general, remedial actions for each residential or residential-like property that warranted remediation (property sample result was greater than 250 ppt TEQ) included removal of the upper twelve inches (12”) of existing landscaping and soil, followed by replacement with new soil, lawn, and landscaping which was maintained through the end of the growing season. Adjustments to this default plan were made for properties as required to preserve non-replaceable plants and mature trees. Based on the conclusion of the evaluation of vertical extent of dioxin and furan contamination in soil, the highest dioxin and furan TEQs appeared to be in the top six inches of soil. Furthermore, the result of the multiple comparison tests showed that concentrations decreased in the six to twelve inch depth. Characterization samples from 2010 were tested below twelve inches showing that the only soil above the SSAL was located in the top twelve inches. Therefore, since the remedy involved excavation of all twelve inches, the soil that would be above the SSAL would all be removed. Confirmation sampling was therefore not necessary and was not implemented as part of

the remedy.

1.6 Final Extent of MRA

The practical purpose of the MRA boundary was to establish an area that encompassed the extent of contamination beyond which no remedy was necessary. The final boundary was defined when the available incremental compositing data demonstrated that areas beyond the boundary are less than 250 ppt TEQ. Since the project was started in 2012, approximately 1,780 additional samples were collected and analyzed to establish the extent of contamination and to determine where remedial action was necessary. The final MRA boundary has been verified and encompasses the area where properties have the reasonable possibility to be greater than 250 ppt dioxin and furan TEQ from aerial releases from the site. This was accomplished by including property that has been addressed or will be addressed (e.g. institutional controls) for all future land use. At the conclusion of the MAS project, Dow's obligations will have been fulfilled and the historical airborne release has been addressed with remedial actions that are appropriate.

Based on the soil sampling results, the final MRA boundary is shown on Figure 1-2.

2.0 Extent of Impact Affecting MDOT Right of Way (ROW)

2.1 Soil Impacts

Figure 2-1 presents the available sample results for the properties within the MRA adjacent to MDOT easements. In the MRA, the MDOT holds Highway Easement Releases that vary in size for each lane of M-20. The locations of these Easements are shown on Figures 1-2 and 2-1. Five properties included within these easements were sampled and results were less than or equal to the SSAL, pursuant to the sampling design and decision rules outlined in approved IRDC (URS, 2012). While these data indicate that the properties listed are below the SSAL, not all areas within these easements have been sampled; therefore, the potential exists for future movement or improper disposal of excavated soil from the area included within these easements. The easements grant to the State the express right to remove trees, shrubs and other vegetation, and impliedly grant the right to grade and remove soil. Therefore, while restrictions are not needed to prohibit residential use, precautions are appropriate to protect against the movement and/or improper disposal of excavated soil. To this end, Dow proposes to enter into an "Environmental License Agreement" with MDOT. Dow proposes that the License "conditions" include a requirement that MDOT notify Dow before

commencing maintenance or construction activities within the MRA, in which case Dow will arrange for either appropriate sampling (to determine if any soil exceeds the SSAL) or the proper use or disposal of any excavated soil, either within the right-of-way, on Dow industrial property, or at the Midland Landfill.

2.2 Groundwater impacts

Exposure to contaminants in groundwater is an incomplete exposure pathway for the MAS project since surface and near-surface soils are the media affected by air emissions and subsequent deposition. There is no exposure point since there are no known groundwater plumes associated with this historic aerial release. There are a limited number of groundwater plumes near the Midland Plant Facility that are being addressed as part of the Facility corrective action program established pursuant to the operating License. Soil-to-groundwater leaching was evaluated as part of a site-specific leachability study and was eliminated. Therefore, the following groundwater exposure pathways were eliminated: drinking water usage, dermal contact, soil-to-groundwater leaching (drinking water protection), volatilization to indoor air, venting to surface waters, and acute toxicity and physical hazards.

2.3 Impacts to Utilities

Based on past studies and the results of samples collected during the three years of implementation for the Midland Area Soils project, there is no evidence of impacts to utilities or utility corridors.

2.4 Explanation of Decreasing Contamination Levels Over Time

Contaminants are emitted to the air either in vapor or particle form. Generally, most metals, and organic compounds with very low vapor pressures, such as dioxins and furans, adhere to particles that can then be deposited on soil. Another chemical-specific property that affects the presence of a chemical in soil after it has been deposited is its half-life in soil. The half-life in soil reflects the persistence of a chemical, taking into account degradation through microbial and abiotic transformations. Abiotic transformation processes include photolysis and hydrolysis. USEPA has defined criteria for persistence, for which chemicals with a half-life in soil greater than 60 days are considered persistent, and chemicals with a half-life in soil greater than 180 days are considered very persistent (USEPA, 1999). Dioxins and furans are considered very persistent.

2.5 Worker Safety Issues

Direct contact exposure to dioxins and furans in surface soils is managed by workers following standard Due Care and hygiene practices while completing activities involving soils within the MDOT easements contained within the MRA. These practices include standard dust control, use of gloves, and proper hygiene, such as washing hands after working with soils. However, precautions are appropriate to protect against the movement and/or improper disposal of excavated soil. To this end, Dow proposes that the License “conditions” include a requirement that MDOT notify Dow before commencing maintenance or construction activities within the MRA, in which case Dow will arrange for either appropriate sampling (to determine if any soil exceeds the SSAL) or the proper use or disposal of any excavated soil, either within the right-of-way.

3.0 Assessment to MDOT's Storm Water System

Following standard MDEQ soil erosion and control practices will manage the movement of soils into the storm water system via erosion.

4.0 Soil Disposal Estimates

Precautions are appropriate to protect against the movement and/or improper disposal of excavated soil. As discussed above, Dow proposes that the License “conditions” include a requirement that MDOT notify Dow before commencing maintenance or construction activities within the MRA, in which case Dow will arrange for either appropriate sampling (to determine if any soil exceeds the SSAL) or the proper use or disposal of any excavated soil, either within the right-of-way, on Dow industrial property, or at the Midland Landfill.

It is estimated that the cost to manage the non-hazardous soil via long term disposal would be \$22.00 per cubic yard, including trucking and disposal.

5.0 Conclusion

In the MRA, the MDOT holds Highway Easement Releases that vary in size for each lane of M-20. Data indicate that MDOT easement properties within the MRA are below the dioxin and furan SSAL (250 ppt TEQ); however, because not all of the areas within these easements have been sampled, the potential exists for future movement or improper disposal of excavated soil at concentrations greater than the SSAL from within these easements. Therefore, precautions are appropriate to protect

against the movement and/or improper disposal of excavated soil. To this end, Dow proposes to enter into an “Environmental License Agreement” with MDOT. Dow proposes that the License “conditions” include a requirement that MDOT notify Dow before commencing maintenance or construction activities within the MRA, in which case Dow will arrange for either appropriate sampling (to determine if any soil exceeds the SSAL) or the proper use or disposal of any excavated soil, either within the right-of-way, on Dow industrial property, or at the Midland Landfill.

DRAFT

6.0 Certification of Submittal

DRAFT

DRAFT

ENVIRONMENTAL LICENSE AGREEMENT

USE OF MICHIGAN DEPARTMENT OF TRANSPORTATION- OWNED/CONTROLLED PROPERTY AS A METHOD FOR INSTITUTIONAL CONTROL OF ENVIRONMENTAL CONTAMINATION

MDEQ Ref # _____

Site street address: _____ City: _____

This License Agreement, hereinafter referred to as LICENSE, is entered into by the Michigan Department of Transportation, hereinafter referred to as LICENSOR, whose address is 425 West Ottawa Street, Lansing, MI and _____, whose address is _____, hereinafter referred to as LICENSEE, for the purpose of allowing use of LICENSOR owned/controlled land/property for the specific purpose of Institutional Control of Environmental Contamination. The area described in Exhibit 1 will be referred to as the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT.

By their signatures below, the authorized representatives of LICENSOR and LICENSEE understand and agree to all terms of this LINCENSE.

THIS AGREEMENT IS SUBJECT TO THE PARAMOUNT NEEDS OF SAFELY OPERATING AND MAINTAINING THE HIGHWAY/TRANSPORTATION FACILITY. LICENSOR reserves the right to construct, maintain, allow permits for utility, and any other transportation needs upon the area designated in this agreement. The LICENSEE is responsible for any and all increased costs for maintenance or construction associated with the site of environmental contamination within the area defined in RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT. In the event that the LICENSEE has posted some type of bond as part of this agreement, LICENSOR has the right to use this bond to cover LICENSOR's cost associated with any maintenance or construction project. The bond may only be used to cover additional maintenance or construction costs associated with the environmental contamination within the area defined in RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT.

LICENSOR reserves the right to require removal of any markers or monuments associated with this LINCENSE, as needed for maintenance or construction purposes. LICENSOR will replace any markers or monuments. The LICENSEE is responsible for keeping the monuments legible at all times as part of this agreement. Re-etching or re-stamping may be needed to satisfy this requirement.

At any time the LICENSEE has the right to request the LINCENSE be terminated, provided that the LICENSEE can demonstrate through analytical testing that there is no risk to the specific property controlled by LICENSOR.

DRAFT

In addition to the protection afforded by any policy of insurance, the LICENSEE agrees to indemnify and save harmless the State of Michigan, the Michigan State Transportation Commission, LICENSOR, and all officers, agents, and employees thereof:

- a. From any and all claims by persons, firms, or corporations for labor, services, materials, or supplies provided to the LICENSEE under this agreement; and
- b. From any and all claims for injuries to or death of any and all persons, for loss of or damage to property, for environmental damage, degradation, response and cleanup costs, and for attorney fees and related costs arising out of, under, or by reason of the LICENSEE'S use of property controlled by LICENSOR, except claims resulting from the sole negligence or willful acts or omissions of said indemnities, its agents, or its employees.

At the request of public utility companies, cable television companies, or municipalities, LICENSOR may allow the removal or modification of the site markers with all costs paid by the public utility companies, cable television companies, or municipalities.

The LICENSEE understands that the Michigan Department of Environmental Quality (MDEQ) may perform an audit of the Final Assessment Report or Closure Report for the corrective action that relies on the institutional control for the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT described in this LICENSE pursuant to Part 213, Leaking Underground Storage Tanks or part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. In the event the results of the audit determine that the corrective action is not complete within the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT or the institutional control is not adequate protection against unacceptable exposure to regulated substances, the LICENSOR and LICENSEE agree to terminate or amend this license agreement, and any associated documents thereto, as necessary to protect the public's health, safety, welfare and the environment.

The parties mutually agree that this agreement is subject to the provisions of Act 189 of 1953 as amended (users of Tax-Exempt Property).

LICENSEE must notify LICENSOR of any findings from an audit performed by the MDEQ within 30 days. Any costs associated with additional work performed by LICENSOR as a result of the audit findings will be paid by the LICENSEE, not to exceed the cost of a new permit application.

LICENSEE must notify MDEQ of any modification, deletion or termination to this agreement.

For operational ROW if the LICENSOR owned or controlled property covered by this agreement is abandoned, sold, transferred or changed in use LICENSOR must notify MDEQ.

Exempt from Michigan Real Estate Transfer Tax per MCL 207.505 (h)(i) and MCL 207.526, (h)(i).

DRAFT

SPECIAL LICENSE AGREEMENT CONDITIONS (Form 3760B)

- No bonding is required
- Bonding required
- Licensing conditions (see attached)

LICENSEE

LICENSOR

LICENSEE (Signature)

By: _____
(Signature)

LICENSEE (Printed Name)

Name: Mark A. Van Port Fleet
Director- Bureau of Highway Development

LICENSEE (Title)

Individual Acknowledgement

State of _____

State of Michigan
County of _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by _____, on

Notary Public (Signature)

behalf of the Michigan Department of Transportation.

Acting in County of _____ (State)

Notary Public (Signature)

My commission expires

Notary Public, State of Michigan

Corporate Acknowledgment

County of _____

State of _____

My Commission expires: _____

County of _____

The foregoing instrument was acknowledged before me this _____ day of _____, 20____ by

(Name of Officer)

the _____ and
(Title of Officer)

(Name of Officer) the

(Title of Officer) respectively of

(Name of Corporation/Partnership/Entity) a

(Type of Entity), on the behalf
of the corporation/partnership/entity.

Notary Public (Signature)

Acting in the County of _____ State

My Commission Expires
Michigan Department of Transportation

DRAFT

Michigan Department
Of Transportation
3760B (10/13)

LICENSED AGREEMENT CONDITIONS

Page 1 of 2

CPS REFERENCE #

SITE ADDRESS

Bonding Requirements:

Bonding for agreement:

Required

Not Required

Type of bonding:

Individual

Letter of Credit

Other

BOND AMOUNT

TIME DURATION FOR BONDING

EXPIRATION DATE OF BOND

Generic Conditions

--

DRAFT

Site Specific License Conditions

A large, empty rectangular box with a thin black border, occupying the majority of the page below the section header. It is intended for the user to input site-specific license conditions.

Technical Summary Report of Environmental Conditions on Property controlled by MDOT Instructions

The Technical Summary Report of Environmental Conditions on operational right-of-way or other MDOT property shall provide specific information on the environmental contamination as it has impacted and will impact the specific area of MDOT controlled property. The information shall be specifically provided and **not** referenced in note(s).

The generated Technical Summary Report (TSR) of environmental contamination conditions within the identified operational right-of-way or other MDOT property shall include information on the following:

- TSR shall be written using Table of Contents format found on MDOT's public web page in the examples section.
- Site history including soil removal, remediation systems, presence of Non-Aqueous Phase Liquids (NAPL) and/or C sat soils.
- Location and extent of groundwater and soil contamination within operational right-of-way or other MDOT property.
- Recent sampling data for groundwater and soils located on a scaled site map.
- Due care issues, (e.g. worker safety, exposure concerns, relevant pathways that may affect construction, and necessary due care precautions) within the Area of Contamination.
- Impact to storm water system as it affects MDOT's National Pollutant Discharge Elimination System Permit. If storm water system is, or may be impacted, a conditional license may be necessary. Provide information documenting how the contamination is not entering the storm water system (i.e. sealed storm sewer), or how the contamination is attenuating. (See special section located in Examples area of public web page for instructions on preparation of storm system assessment)
- Assessment of utility corridors/trenches where contamination has affected the utility. Provide a written assessment to define contaminant pathways and potential impacts within the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT.
- Provide costs estimates for contaminated soil and/or groundwater removal and disposal within the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT if construction activities were to be needed in the future. This information will be used to determine if bonding is necessary to mitigate impacts of the contamination on future construction costs.
- Global Positioning System (GPS) coordinates in decimal degrees for the center of the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT.
- MDOT may request additional information from a draft closure report or draft no further action document to make a construction risk assessment by MDOT staff.

Supporting Documentation

Submit information on the type of MDOT property that will be reviewed. Is the property or Right-of-Way MDOT easement, fee, statutory, or dedicated? This information will be required if the applicant is pursuing a waiver from the license agreement.

Maps and tables to be included with the submittal:

- Monitor wells and boring locations (well history not needed)
- Groundwater elevation contours to show groundwater flow direction.
- Iso-concentration map(s) for contaminants of concern.
- Soil verification data and estimated extent of soil contamination
- Vertical and horizontal cross sections showing the extent of groundwater and soil contamination and location of utilities within the operational right-of-way or other MDOT impacted property.
- Utility locations and depths identified and provided on maps with any impacts from contamination identified.

Additional

The RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT is depicted on the Scaled Drawing (Exhibit 1) of the application package. Exhibit 1 shall also include the Property Description, describing the subject property, obtained from a title commitment or vesting deed. MDOT will use the Scaled Drawing and Property Description to evaluate the property operational right-of-way or other MDOT impacted property adjacent to the facility plus a buffer of 25 feet as part of the construction risk review. The scaled drawing shall identify the extent of contamination

NOTE: The restricted area within property owned/controlled by MDOT shall be inclusive of all MDOT Right of Way up to any monitor wells or soil borings that demonstrate contamination below risk based concentrations or to non-detect. This may include both lanes in the roadway, boulevards, or other right of way areas.

At a minimum the Scaled Drawing should include:

1. A north arrow
2. A graphical scale bar and scale statement (i.e. 1"=50')
3. The limits of the property plotted, to scale, showing the relationship to MDOT's Right Of Way.
4. The route name identified.
5. A statement identifying the Township, Range and Section where the parcel is located.
6. The limits of the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT plotted to scale. This area should be hatched and labeled appropriately.
7. The location of significant site features such as buildings, drives, parking lots, and road surface.

MDOT's review period will start when the application package is determined by MDOT to be administratively complete. The application package must contain all the information, including any cost estimates for any possible construction risk, before a review is completed by MDOT staff.

NOTE: If a construction risk is identified within the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BY MDOT as part of the MDOT review, permanent markers will be required as part of the permit conditions per specifications of Form 3760D

NOTE: For purpose of the Environmental License Agreement (ELA) process, MDOT's operational right-of-way will be defined as any MDOT controlled property that has not been declared as excess by MDOT.

SPECIAL CONDITIONS FOR INSTITUTIONAL CONTROL PERMIT MARKERS

Site markers shall be used to identify the location of existing contamination within the property controlled by Michigan Department of Transportation (MDOT). **No excavation** is to occur within the defined area unless it is approved by MDOT staff.

Materials utilized for the site marker and its base are described below according to the physical location of the property controlled by MDOT. Different site locations will require a specific size of marker

Marker Materials Choices:

- Granite
- Aluminum
- Stamped concrete

Marker Specifications

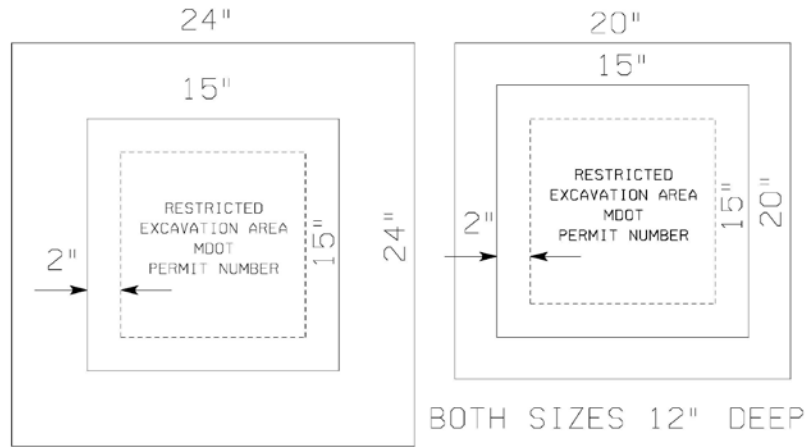
- 15" X 15" marker area
- Legible lettering a minimum of 1.5" in height
- Etched in granite or engraved in aluminum, or stamped in concrete
- 2" margins on all sides
- Information on Marker
 - Restricted Excavation Area
 - MDOT
 - Permit Number

Marker locations and marker bases

1. Site marker location where there are sidewalks, concrete driveways, or parking areas: Site marker shall be set in concrete base with dimensions of 20" wide x 20" length x 12" depth. The site marker and base are to be located on edge of right of way next to sidewalk, or on edge of curb where there is no sidewalk on the boundaries of the RESTRICTED AREA WITHIN PROPERTY OWNED/CONTROLLED BYMDOT. Site markers shall be placed on all four corners of the restricted area within property owned/controlled by MDOT. Only 2 markers are needed if only one side of the roadway is affected.
2. Site marker location where there is no sidewalk or curb, in rural areas, along state trunk lines or interstate highways: The site marker base shall be constructed of concrete 20" wide x 24" length x 12" depth. The site marker and base are to be located on the edge of the right of way. Where there is a fence, the marker shall be placed near fence on edge of right of way.
3. The site marker locations shall be shown on the scaled drawing.
4. Alternate locations for markers must be approved by the Construction Permit Staff at the Transportation Service Center (TSC).

Detailed Marker Specifications

SPECIAL CONDITIONS
FOR
INSTITUTIONAL CONTROL PERMIT MARKER



MARKER MATERIALS CHOICES:
GRANITE
ENGRAVED ALUMINUM
STAMPED CONCRETE

Attachment H

Task List

City of Midland Institutional Control / Ordinance Audit Task List

Conduct this assessment each year in January

- Task 1.** Review City of Midland ordinances for changes / amendments:
- Zoning Ordinance:** Relevant sections of Article 2 (Definitions), Article 3 (General Provisions), Article 13 (Agriculture), Article 19 (Community), Article 20 (Office Service), Article 21 (Business District), Article 22 (LCMR), Article 23 (Industrial District) and Article 24 (planned Unit Development)
- Code of Ordinances:** Chapter 3, Article III (Farm Animals)
- Task 2.** Confirm that the City has the most current list of “MRA Eligible Properties”
- Task 3.** Conduct phone interview with a representative of the Planning and Community Development Department to ensure that there have been no violations or challenges to Chapter 3, Article III (Farm Animals).
- Task 4.** Contact MISS DIG to ensure that relevant information regarding soil contamination in the City of Midland is being communicated through the MISS DIG process.

A report must be submitted to the Michigan Department of Environmental Quality, following the assessment as specified in the RAP. Note any changes, anomalies, or violations in the report and discuss how those will be addressed, as necessary and appropriate.



ATTACHMENT B
PROPERTY MONITORING PLAN
The Dow Chemical Company – Midland Area Soils

December 15, 2014
Revised May 6, 2016

Prepared by URS Corporation

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Attachments

- Attachment 1 Example MISS DIG System Notification Land Use
- Attachment 2 Existing List of Responses to MISS DIG System Requests
- Attachment 3 *Soil Movement Advisory for Private, Public and Commercial Projects in the Midland Resolution Area* informational bulletin and example correspondence

List of Acronyms and Abbreviations

Dow	Dow Chemical Company
IRDC	Interim Response Activity Work Plan Designed to Meet Criteria
MAS	Midland Area Soils
MDEQ	Michigan Department of Environmental Quality
MRA	Midland Resolution Area
Part III	Remedial Action Plan/Corrective Measures Implementation
RAP	Remedial Action Plan
SSAL	site-specific action level
TEF	toxic equivalency factor
TEQ	toxic equivalent
WHO	World Health Organization

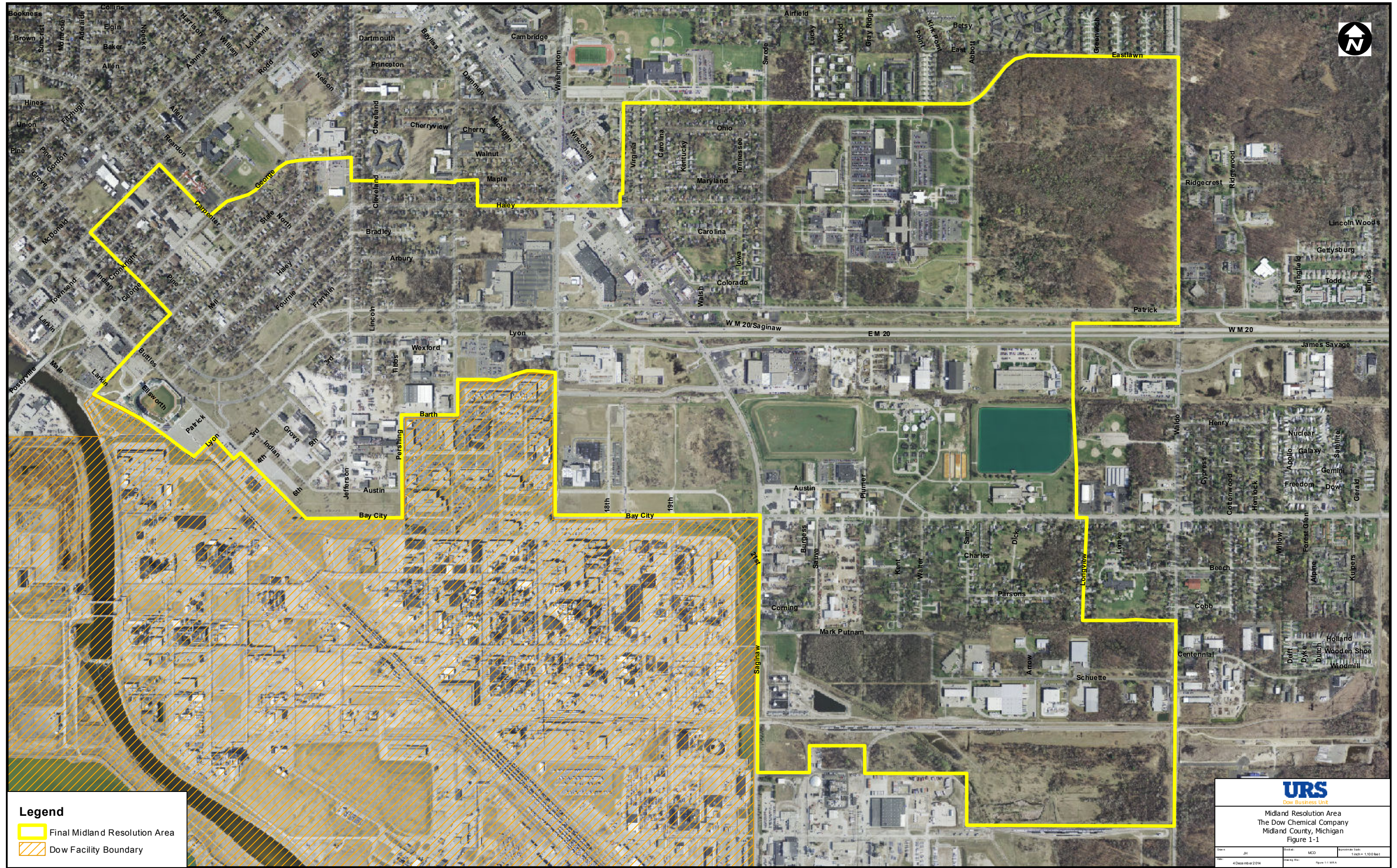
1.0 Introduction

The Dow Chemical Company (Dow), with oversight from the Michigan Department of Environmental Quality (MDEQ), has conducted remediation of the Midland Area Soils (MAS) to address direct contact exposure to soils for current land use in accordance with the approved *Interim Response Activity Work Plan Designed to Meet Criteria* (IRDC, URS, 2012). The Remedial Action Plan (RAP) or Part III of the MAS Corrective Action Report (URS, 2014) includes actions to address potential exposures in the future as a result of changes from current land use for some properties, as well as on-going efforts to gain access to sample additional properties that are eligible to participate in the program, as described in the approved May 25, 2012 *Interim Response Activity Plan Designed to Meet Criteria* (IRDC) (URS, 2012). The area subject to remedial action was defined as the Midland Resolution Area (MRA), shown in Figure 1-1.


The purpose of this MAS Property Monitoring Plan is to define the long-term monitoring methods that will be used to:


- Obtain access to properties that have not yet granted access;
- Verify that undeveloped woodlands remain consistent with non-residential like use;
- Verify that land use for current non-residential property does not change;
- Implement a MISS DIG notification system for the MRA;
- Verify that agriculturally zoned properties in the City of Midland are monitored for farm animals; and
- Report results and apply adaptive management to the program.

The following sections provide a brief summary of the remedial actions completed and the details of the long-term monitoring methods that will be implemented under the Property Monitoring Plan.



Legend

 Final Midland Resolution Area

 Dow Facility Boundary

URS
Dow Business Unit

Midland Resolution Area
The Dow Chemical Company
Midland County, Michigan
Figure 1-1

Drawn: JH	Checked: MCD	Revised: SSK
Date: 4 December 2014	Drawn By: Figure 1-1 MRA	Scale: 1 inch = 1,100 feet

2.0 Background

Dow, with oversight from MDEQ, has conducted remediation of the MAS to address airborne particulate deposition from historical waste handling and disposal operations at the Michigan Operations Plant Facility. Surface and near-surface soils are the media affected by air emissions and subsequent deposition of dioxins and furans. Elevated dioxin and furan toxic equivalency quotient (TEQ) concentrations are predominantly found to the north and northeast (downwind) of Michigan Operations. The primary mechanism for transfer of dioxins and furans is historical wind dispersion.

A site-specific action level (SSAL) for dioxin/furan concentration in soils of 250 ppt TEQ (based on the 2005 WHO TEFs [Van den Berg et al, 2006]) was approved in lieu of the MDEQ's default generic direct contact criterion for dioxin and furan TEQ of 90 ppt. The SSAL serves as the threshold level for identifying where response activities for residential property are warranted. For the City of Midland, the approved SSAL is protective of the public health, safety and welfare and appropriately takes certain updated and site-specific information into account while leaving a protective margin of safety. This action level serves as a "site-specific cleanup criterion" as described in Part 201 of Michigan's Natural Resources and Environmental Protection Act.

For the historical aerial release, response actions to address direct contact exposure to soil for current land use were completed in the MRA over three years, beginning in 2012. At the time of completion of 2014 (Year 3) implementation activities, greater than 98% of the residential or residential-like properties within the MRA have granted access, been sampled, and results are available. The measured impacts are consistent with those anticipated to result from an off-site aerial release. A total of 134 total properties required remedy, while over 1,500 total properties required no further action.

There are currently twelve (12) residential or residential-like properties where access has not been granted for sampling.



For non-residential property within the MRA, institutional controls are proposed to address potential future changes in land use. Institutional controls (ICs) will take the form of restrictive covenants, ordinances, environmental license agreements, and a contract between Dow and the City of Midland and are discussed in further detail in the *Midland Area Soils Institutional Control Plan (ICP)*, Attachment A.

The current City of Midland ordinances prohibit residential use in much of the MRA where sampling has not been conducted. While there are and will be exceptions to the general prohibition, those should be limited in number, and will be addressed through the monitoring program described in this plan. There are currently 243 non-residential properties that require monitoring under this plan.

The ICP, Attachment A, also includes prohibitions on keeping farm animals for human consumption within the City of Midland. City ordinances make it unlawful to keep or breed farm animals except for areas of the City that are zoned agricultural. Dow will monitor agricultural zoned properties as described in this plan.

To control soil relocation, a MISS DIG monitoring and notification program will be established for properties within the MRA, as described in this plan.

The following sections describe the on-going property monitoring plan.

3.0 Monitoring

Long-term monitoring activities will include monitoring for changes in land use and ownership. The properties within the MRA that are subject to long-term monitoring under this program are referred to as “MRA Eligible Properties” and are presented on Table 3-1. These properties fall within the following property land use categories:

- Property currently in residential or residential-like use where access was not granted; and
- Current non-residential used property where soils may exceed the SSAL and future land use changes to residential or residential-like could occur.

An up-to-date list of such properties shall be maintained by Dow and shall be provided to the MDEQ upon request.

In addition, properties within the City of Midland that are zoned agricultural will be monitored for the presence of farm animals that may ingest impacted soil.

3.1 Properties that Require Monitoring

3.1.1 Properties Where Access was not Granted

Properties where owners declined participation in the program that are currently in residential or residential-like use have the sampling and remedy, if warranted, deferred until such time as access is granted. For these properties, Dow has used best efforts to obtain appropriate access from property owners to conduct sampling on their property. Best efforts are defined as follows: an initial letter, a first and second follow-up telephone call, certified letter, and an in-person visit. There are residential or residential-like properties within the MRA which have given no response or have denied access. For properties where access was not granted, the owners will be advised annually that they are eligible for sampling and remedy, if warranted, until such time as access has been granted. These properties are identified on Figure 3-1.



Furthermore, these properties will be monitored for a change in ownership. State law requires that a new owner of property file a Property Transfer Affidavit with the City assessor within 45 days of transfer. As per a contract agreement between Dow and the City of Midland as described in the ICP, Attachment A, the City will provide to Dow notice of a change in ownership of an MRA eligible property. In addition a review of the City of Midland tax assessment database records will be conducted twice each year (once before annual access request letters are mailed and again approximately six months later) to determine if an MRA eligible property has a new owner. Upon receipt of notice or identification of a new owner of an MRA eligible property Dow will use best efforts as described in the approved IRDC (Appendix A) to obtain access for sampling and remedy, if warranted.

Residential properties whose owners have not granted access will remain in the Property Monitoring Program until access has been granted and sampling and remedy, if warranted, have been implemented as described in the approved IRDC (Appendix A).

3.1.2 Non-Residential Property with Soils that May Exceed SSAL

The non-residential properties in the MRA where dioxin and furan TEQ is less than the MDEQ generic non-residential Direct Contact Criterion (990 ppt TEQ) but may exceed the SSAL are included in Table 3-1 and presented on Figures 3-2, 3-3, 3-4 and 3-5. These properties are undeveloped woodlands, non-residential property with insufficient exposed soil to sample, non-residential property apart from residential neighborhoods and City of Midland owned property. Current data indicate that no further evaluation or remedial action is necessary for current land use for these non-residential properties in the MRA. Land use was verified by site visits as of 12/2015(?), and each was evaluated for the potential for soil and sediment erosion and transport by surface water runoff. Land use will continue to be verified as described below.

These properties are currently used for non-residential purposes but they are located in a zoning district that does not prohibit future changes to the zoning ordinance to allow residential or residential-like uses.



As per the contract agreement between Dow and the City of Midland described in the ICP (Attachment A), the City will provide notice to Dow if there is a change in land use from non-residential to residential or residential-like for a MRA eligible property. The City is in a unique position to help ensure the effectiveness of response activities by identifying and providing notice of these changes. A number of local and state requirements alert the City to those changes. Monitoring of these properties will also include an annual visual inspection of land use to determine if the parcel has been altered in preparation for development that would otherwise constitute residential or residential-like exposure.

Upon receipt of notice or identification of an alteration or potential change in use of an MRA eligible property Dow will use best efforts as described in the approved IRDC (Appendix A) to obtain access for sampling and remedy, if warranted. If access is not granted after best efforts and the land use changes Dow will notify MDEQ and monitor the property as described in Section 3.1.1.

These properties will remain in the Property Monitoring Program until access has been granted and sampling and remedy, if warranted, have been implemented as described in the approved IRDC (Appendix A) or a permanent a reliable institutional control is in place preventing future residential or residential-like use.

3.1.3 Property Zoned Agricultural

There are currently nine areas of the City that are zoned agricultural, four along the west edge of the city (west of Poseyville Road) and five along the east edge (generally along or near Highway 10). Monitoring of these properties will include an annual visual inspection to determine if farm animals are present. If monitoring indicates that farm animals are present on properties zoned agricultural within the City of Midland, Dow will provide notice to MDEQ and propose measures to address the property of concern. Dow will implement the measures upon MDEQ's approval. The properties zoned agricultural will remain in the monitoring program until the agricultural zoning is changed or other institutional controls are implemented to prevent the presence of farm animals.

3.2 Licensed Michigan Childcare Providers

Childcare centers are required to be licensed by the State of Michigan. The state provides a list of licensed centers that is updated regularly at the following website:

http://www.michigan.gov/lara/0,,7-154-35299_63294_5529_49572-82321--,00.html.

Dow will monitor this list for additions of childcare centers in the MRA semi-annually. Upon verification that a new childcare center is located on an MRA eligible property, Dow will use best efforts, as described in the approved IRDC (Appendix A), to obtain access for sampling and remedy, if warranted. If access is not granted after Dow utilized best efforts, Dow will notify MDEQ and monitor the property, as described in Section 3.1.1.

3.3 MISS DIG

MISS DIG is Michigan's official utility safety notification system. In the event of any construction excavation activity identified for eligible properties within the Midland Resolution Area, the MISS DIG system will act as an additional safeguard to identify soil disturbances. This MISS DIG program will serve as a monitoring and notification program that compliments the contract between Dow and the City of Midland (described in the ICP, Attachment A). The MISS DIG program will provide contact information for the party performing the work so that Dow may relay the requirements for soil management on the property, as described in the following sections.

The MISS DIG System is utilized for digging projects. To avoid personal injury and damage to those underground lines, state law requires you to contact MISS DIG before starting a digging project, regardless of the project size or depth.

3.3.1 Summary of MISS DIG System

As described on www.missdig.org, MISS DIG System, Inc. is a Michigan Non-Profit Corporation that operates as the Underground Utility Safety Notification System for the entire state, providing free service to homeowners, excavators, municipalities and utility companies.



MISS DIG processes requests to locate utilities from individuals planning to dig by identifying the relevant parties (identified through membership in the MISS DIG System) and notifying those relevant parties about the excavations so the parties can then come out and locate their facilities.

MISS DIG System, Inc. was established in 1970 as a pilot program in Oakland County by Power, Detroit Edison, GTE, Michigan Bell, and Michigan Consolidated Gas to reduce damages to their underground facilities, prevent injuries, and save lives. By 1976, MISS DIG System's one-call service was available throughout Michigan's Upper and Lower Peninsulas. The MISS DIG System officially incorporated as a Michigan non-profit corporation in 1994. MISS DIG has received over 21 million locate requests resulting in nearly 189 million transmissions since 1970, receiving an average of over 4,200 tickets taken per day in the summer (April, May and June).

Public Act 174 was enacted in November of 2013, with an effective date of April 1, 2014. PA 174 of 2013 replaced PA 53 of 1974 and added definitions and enforcement as key parts of the protection of underground utilities.

Dow and its contractors are among the over 1,700 members of the MISS DIG System. The MISS DIG System will sort locate request tickets for eligible properties in the MRA in two ways. A shapefile of the relevant area(s), including an outward buffer of 200 ft is loaded into the MISS DIG System database and associated with the specific Account established for this project. For those requests that fall within the relevant area(s), Dow will receive a locate request. For requests that the MISS DIG System cannot locate spatially within their GIS, all members in the county will receive a notice. Each member must determine if the excavation is relevant for their facility. Pursuant to P.A. 174, all requests received through the MISS DIG System must be provided with a positive response.

Requests to the MISS DIG System fall into four categories:

- Standard
- Short-notice
- Emergency
- Design Ticket

Standard MISS DIG System requests require a response within 72 hours, excluding weekends and state holidays. Notification to Dow from the MISS DIG System will be provided via email.

Rush or Short-Notice MISS DIG System requests are not an emergency, but request marking in less than 72 hours. Members may elect to honor this request, but must provide a response within 72 hours (excluding weekends and state holidays). Notification to Dow from the MISS DIG System will be provided via email, and may also be provided via text message (usually no more than 2 different numbers).

Emergency MISS DIG System requests occur for work that is on-going or going to happen within 3 hours. The response time required for emergency requests is within 3 hours, 365 days/year. This response may be verbal. Notification to Dow from the MISS DIG System is provided via email and a telephone call, and may also be provided via text message (usually no more than 2 different numbers). A list of on-call contacts will be provided to the MISS DIG System and they will be contacted in the case of an emergency request. They will continue to call the contacts on the list until they receive the required verbal response.

Design Ticket MISS DIG System requests are informative requests for designers or developers who are requesting location information on where utilities are located for development planning purposes. Typically, drawings showing the location of existing utilities are provided to the requestors.

Each notification from the MISS DIG System will specifically identify the type of request in the email (or text message). Email notification from the MISS DIG System will be sent to one email

address. Typically, this is set up as a functional mailbox that can forward the notices to additional email addresses. An example of a notification email is provided as Attachment 1. Each notice must have some acknowledgement that is selected from an existing list of possible options within the System (these options are provided in Attachment 2).

In many cases, notifications from the MISS DIG System include the contact name and phone number of the individual proposing the excavation. If a firm is planning the excavation, a business name is typically also provided. The address of the individual requesting the service may or may not be provided. When requests are made on-line via the www.missdig.org website, an email address may be provided. The address information provided is the address of the property to be staked.

3.3.2 Description of MISS DIG Program Area

The area subject to the MISS DIG program will include eligible properties within the MRA, in addition to an outward buffer distance of 200 feet in all directions. Eligible properties subject to the MISS DIG program include those that have not been sampled or where presumptive remedy has not been completed. Those properties are indicated on Table 3-1 and presented on Figures 3-1, 3-2, 3-3, 3-4 and 3-5.

The eligible properties will remain in the MISS DIG program until either access has been granted and sampling and remedy, if warranted, have been implemented as described in the approved IRDC (Appendix A) or a permanent institutional control addressing soil relocation is in place.

3.3.3 Project Responses to MISS DIG System

Upon receipt of a notification from the MISS DIG System to the MRA Account, Dow (or its contractor) will verify that the proposed excavation activities are occurring on an eligible property. Upon verification, Dow (or its contractor) will perform the following actions for MISS DIG System requests, including Short-notice, Standard and Design Ticket requests:

- Contact the individual identified in the MISS DIG System as the “caller” to update contact information if it is not fully provided;
- Provide information on best management practices of soil during excavation, including an informational letter and a copy of the *Soil Movement Guidance for Eligible Properties within the Midland Resolution Area* bulletin included in Attachment 3 via email;
- Provide advice and assistance as required for proper management of the upper 12” of excavated soil consistent with the requirements of the IRDC (Appendix A) and Part 201 of Act 451.
- Provide a copy of responses to MISS DIG System requests to MDEQ; and
- Complete the MISS DIG System positive response, indicating “**EXEMPT FROM MARKING**”.

For emergency MISS DIG System requests, the individual identified in the MISS DIG System as the “caller” will be contacted via phone to update contact information if it is not fully provided and the summarize best management practices, with an email follow-up including an informational letter and a copy of the *Soil Movement Guidance for Eligible Properties within the Midland Resolution Area* bulletin included in Attachment 3.

For properties that remain eligible for the MISS DIG Program, the owners or responsible individuals will be advised annually of the requirements for soil management within the MRA, and will be provided with a copy of the *Soil Movement Guidance for Eligible Properties within the Midland Resolution Area* bulletin included in Attachment 3. A template notification letter for this program is also included in Attachment 3.

For local contractors who are likely to perform excavation work within the MRA, an informative letter will be provided annually with a copy of the *Soil Movement Guidance for Eligible Properties within the Midland Resolution Area* bulletin included in Attachment 3. They will be directed to resources provided at the project website (www.midlandresolution.com) where a current listing of eligible properties will be maintained, to facilitate their ability to identify those properties subject to these requirements ahead of time.

3.4 Sampling

Most non-residential property that is being monitored within the MRA has not been sampled at this time because existing data indicates that soil concentrations of dioxin and furan TEQ are appropriate for non-residential use. If sampled, some of these properties would likely be determined to be below the SSAL and appropriate for unrestricted residential use. In order to demonstrate that some of these non-residential properties can be removed from the monitoring program, Dow may opt to pursue access and perform sampling in the future to identify properties at or below the SSAL. Prior to implementation of a sampling program, Dow will provide notice to MDEQ of the planned sampling activities and provide sampling plans for review and approval. Upon receiving access, sampling will be implemented, as described in the approved IRDC (Appendix A). If a property is determined to be above the SSAL, it will remain in the monitoring program. Remedy, as described in the approved IRDC (Appendix A), would be implemented upon change from non-residential to residential or residential-like use. When a property is determined to be at or below the SSAL, it will be removed from the monitoring program.

3.5 ICP Monitoring

The City codes contain enforcement provisions that make violations of the relevant code sections legally enforceable and subjects violators to fines, penalties and corrective measures (see City of Midland Zoning Ordinance, Sec. 31.07; City of Midland Code of Ordinances, Sec. 34-5 and proposed Ordinance Amendment Sec. 5-43). In order to fully assure continued implementation and compliance, Dow proposes to annually review the relevant ordinance provisions and contact MISS DIG, as specified in the Task List (provided in the ICP, Attachment A).

Table 3-1
Land Use Monitoring Summary
The Dow Chemical Company, Michigan Operations

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification [2]	Follow Up Verification Comments [2]	Follow Up Verification [3]	Follow Up Verification Comments [3]	On-Going Land Use Monitoring Notes
14-16-40-372 & 14-16-40-368	800 & 802 Townsend St	IA	Cohoons Elevator Inc	Commercial	Cohoons Elevator Inc	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for development
14-15-50-530	301 Arbury Pl	RB	Residential	Owner Occupied	Ropp	5/17/2013	Residential use	Not Accessed - Owner Declined	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	No Change			Check COM Assessors Website for Ownership change
14-15-50-534	309 Arbury Pl	RB	Residential	Owner Occupied	Harris	5/17/2013	Residential use	Not Accessed - Owner Declined	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	No change			Check COM Assessors Website for Ownership change
14-23-40-330	220 Arrow Cv	IA	Precision Torque	Commercial	Brusin LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-320	210 Arrow CV	IA	QSI	Commercial	Arrow Cove Real Estate Holding LLC	7/18/2014	Commercial Use	Commercial use	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Quadsil company
14-22-70-064	111 Austin St	IA	Huron Mats and Henderson Bros.	Commercial	Huron Mat Rentals Of Midland	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-070	1814 Austin St	RC	Midland Valve & Fitting Co	Commercial	Felten Land Co II LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-078	1821 Austin St	RC	Multi tenant commercial structure	Commercial	Space Industries LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-036	1900 Austin St	IA	Envirotech Coatings	Commercial	Space Industries LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-076	1905 Austin St	IA	Parking Area	Commercial	Dow Chemical Co	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-056	2000 Austin St	IA	Falcon Rme	Commercial	Map Mechanical Contractors Inc	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	As of November 2014, new owner: John Gault development LLC- P O Box 385, Clare, MI 48617	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-005	2007 Austin St	IA	Mid Michigan Innovation Center	Commercial	Dow Chemical Co	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-250	2100 Austin St	RC	Stover Imaging	Commercial	Rogers, Frances J	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-010	91 Austin St	IA	The Other Guys	Commercial	Petersen Family Trust	8/2/2012	Verified non-residential use	Property was sampled; compared to industrial criteria	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Monitor for land use change due to concentrations above residential criteria.
14-23-70-268	2124 Austin St	COM	Waste water treatment plant	Commercial	City of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			
14-22-80-356	401 Barth St	IA	Midland Valve & Fitting Co	Commercial	Central Property Development Inc	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-30-472	2504 Bay City Rd	RB	Residential	Rental	Engwis	5/17/2013	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	As on February 2014, owner name changed to: Singleres LLC - 4878 Bailey Bridge Rd, Freeland, MI, 48623			Check COM Assessors Website for Ownership change
14-23-30-286	2757 Bay City Rd	RB	Undeveloped wooded parcel	Undeveloped Woodlands	Oren E & Mercedes A Ross Trust	10/24/2013	Undeveloped woodlands	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change
14-23-70-018	1701 Bay City Rd	RC	LaLonde's Party Store	Commercial	Steven and Laura LaLonde	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-020	1701 Bay City Rd	RC	LaLonde's Party Store	Commercial	Steven and Laura LaLonde	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-471	1800 Bay City Rd	RC	Fastenal/TIC	Commercial	RNM Holdings LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-468	1808 Bay City Rd	RC	Lloyd's Door Systems	Commercial	Hignite AL Holding Company LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-026	1811 Bay City Rd	RC	Judd's Rental	Commercial	Timothy & Patricia Keppel	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-466	1812 Bay City Rd	RC	Lloyd's Door Systems	Commercial	Hignite AL Holding Company LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-031	1819 Bay City Rd	RC	Judd's Rental	Commercial	Timothy & Patricia Keppel	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-464	1820 Bay City Rd	RC	Undeveloped parcel	Commercial	Sahasa Realty Corp	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-032	1825 Bay City Rd	RC	Midland Area Homes office	Commercial	Midland Area Homes Inc	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-424	1850 Bay City Rd	RC	Corrosion Fluid Product Corp	Commercial	JVA Midland, LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-260	2000 Bay City Rd	IA	Bierlein Companies	Commercial	Bierlein Properties	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-042	2001 Bay City Rd	IA	Unknown commercial	Commercial	William & Janet Hutchison Trust	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-046	2009 Bay City Rd	IA	Undeveloped parcel	Commercial	Space Industries LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	As of November 2014, new owner: John Gault development LLC- P O Box 385, Clare, MI 48617	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-048	2017 Bay City Rd	IA	Parking Area	Commercial	Space Industries LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	As of November 2014, new owner: John Gault development LLC- P O Box 385, Clare, MI 48617	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-246	2101 Bay City Rd	IA	Auburn Analytical and Paul Pappas Designs Inc	Commercial	Irigoyen, Alexander O & Magda	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	As of February 2015, new owner: Michael J and Anita K Groulx- 3909 Concord, Midland, MI 48642	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-044	2005 Bay City Rd	IA	Undeveloped parcel	Commercial	William & Janet Hutchison Trust	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change

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The Dow Chemical Company, Michigan Operations**

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification (2)	Follow Up Verification Comments (2)	Follow Up Verification (3)	Follow Up Verification Comments (3)	On-Going Land Use Monitoring Notes	
14-23-60-198	2128 Bay City Rd	RC	Undeveloped parcel	Grasslands	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use			No		Continue Monitoring		11/6/2015	No Change					Dow purchased this and added a restrictive covenant to the parcel	
14-23-60-200	2124 Bay City Rd	RB	Now an undeveloped parcel	Grasslands	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use			No		Continue Monitoring		11/6/2015	No Change					Dow purchased this and added a restrictive covenant to the parcel	
14-23-70-240	2125 Bay City Rd	RC	Now an undeveloped parcel	Grasslands	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use			No		Continue Monitoring		11/6/2015	No Change					Dow purchased this and added a restrictive covenant to the parcel	
14-23-20-010	2607 Bay City Rd	COM	Waste water treatment plant	Commercial	City of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential		No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No change			We did sample part of this parcel, the area with the softball fields	
14-23-60-242	2100 Bay City Road	RC	Moose Lodge	Commercial	Midland Moose Lodge 1541	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-15-50-147	1422 Bayliss	RC	Undeveloped wooded parcel	Woodlands	Rapanos	8/14/2013	No defined use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-15-50-130	1302 Bayliss St	RC	Femme & Fella's Styling Salon	Commercial	Ames	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-80-206	1009 Bayliss St	IA	AC Delco	Commercial	S & S Investment Co	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-80-208	1107 Bayliss St	IA	Blue Flame Faulkner Construction Company	Commercial	Bayliss Street Property LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-80-370	915 Bayliss St	IA	Faulkner Construction Company	Commercial	Faulkner Construction Company	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-454	413 Burgess St	RC	Unlabeled commercial	Commercial	Apple Tree Holding LLC	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-458	417 Burgess St	RC	Garage structure	Commercial	Midland Area Homes Inc	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-460	419 Burgess St	RC	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-462	423 Burgess St	RC	Undeveloped parcel	Commercial	Samuel & Patricia Shaneen	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-442	400 Burgess St	IA	Undeveloped parcel	Commercial	Midland Acquisitions LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-440	404 Burgess St	RC	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-15-30-336	2209 Carolina St	RA-3	Residential	Owner Occupied	Letts	5/17/2013	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	As of June 2015, new owner: Kayla Westendorf - 2209 Carolina Street, Midland, MI 48642			Check COM Assessors Website for Ownership change	
14-23-30-328	2700 Charles St	RB	Undeveloped wooded parcel	Woodlands	Mercedes A Ross Trust	10/24/2013	Undeveloped woodlands	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change	
14-23-30-320	2712 Charles St	RB	Undeveloped wooded parcel	Woodlands	Libby-Lee Stearns Trust	10/24/2013	Undeveloped woodlands	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change	
14-23-60-356	1713 Corning Ln	IA	Klich Tool & Die/Welding Shop	Commercial	Klich Rental LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-348	1718 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-60-362	1719 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.	Check COM Assessors Website for Ownership change/ monitor for land use change

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14-23-60-346	1720 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-370	1723 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-342	1800 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-340	1804 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-372	1805 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-374	1809 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-376	1811 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-330	1816 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-378	1819 Corning Ln	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2014, new owner: Tarbert Properties LLC- 7515 E 30th Street, Indianapolis, IN 46219. Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-448	1113 E Buttles St	RC	Undeveloped parcel	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change

**Table 3-1
Land Use Monitoring Summary
The Dow Chemical Company, Michigan Operations**

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification (2)	Follow Up Verification Comments (2)	Follow Up Verification (3)	Follow Up Verification Comments (3)	On-Going Land Use Monitoring Notes
14-21-20-286	1207 E Buttles St	RC	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-281	1223 E Buttles St	RC	Undeveloped parcel	Commercial	State Of Michigan	8/2/2012	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-194	1311 E Buttles St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-210	1500 E Buttles St	IA	Parking area	Commercial	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-584	805 E Buttles St	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-496	907 E Buttles St	COM	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change			11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-16-40-180	915 E Carpenter St	NC	Bubba's Tri City Cycles	Commercial	Balciraks Super Service	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue monitoring		1/21/2014	No change	7/24/2014	No change	11/6/2015	As of February 2013; new owner: Fred Pickering Enterprises LLC- 1312 Lincoln Street, Midland, MI 48640	Check COM Assessors Website for Ownership change/ monitor for development
14-21-10-088	1205 E Carpenter St	OS	Undeveloped parcel	Park & Rec	State Of Michigan	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-062	1215 E Carpenter St	OS	Undeveloped parcel	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-072	1225 E Carpenter St	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-278	1300 E Carpenter St	RC	Undeveloped parcel	Commercial	State Of Michigan	8/2/2012	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-054	1306 E Carpenter St	RC	Undeveloped parcel	Commercial	City Of Midland	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-056	1301 E Carpenter St	IA	Undeveloped parcel	Commercial	City Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-058	1305 E Carpenter St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-052	1310 E Carpenter St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-590	816 E Grove St	RB	Residential	Rental	Engwis	5/16/2012	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		5/17/2013	No change	7/24/2014	No change	11/6/2015	As of April 2015, new owner: Benjamin Liebenow- 64190 Campground Road, Washington, MI 48095	Check COM Assessors Website for Ownership change
14-21-10-220	1208 E Grove St	OS	Undeveloped parcel	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-305	1310 E Grove St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-186	1316 E Grove St	IA	Undeveloped parcel	Commercial	City Of Midland	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-172	1402 E Grove St	IA	Undeveloped parcel	Commercial	Duford, Dennis D & Nancy R	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-150	1508 E Grove St	IA	WW Tool & Dye	Commercial	Duford, Dennis D	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-140	1511 E Grove St	IA	Geisler Enterprises Inc.	Commercial	Geisler, James H	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-088	1602 E Grove St	IA	Foster Oil/Pacific Pride	Commercial	Grove Street Property LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-60-524	401 E Haley St	RB	Residential	Owner Occupied	Parro	5/17/2013	Residential use	Not Accessed - Owner Declined	Access not granted	No		Continue Monitoring		3/13/2014	No change			11/6/2015	No Change	Check COM Assessors Website for Ownership change

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The Dow Chemical Company, Michigan Operations**

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification [2]	Follow Up Verification Comments [2]	Follow Up Verification [3]	Follow Up Verification Comments [3]	On-Going Land Use Monitoring Notes
14-15-40-436	900 E Haley St	RC	Auto Zone	Commercial	Autozone #2157	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-16-40-350	406 E Hines St	IA	Midland Public Schools building	Commercial	Midland School Dist	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for development
14-16-40-334	411 E Hines St	RC	Midland Public Schools building	Commercial	Midland School Dist	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	Yes		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for development
14-21-10-426	1008 E Indian St	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-380	1101 E Indian St	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-372	1108 E Indian St	COM	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	11/6/2015	No Change			Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-375	1117 E Indian St	OS	Part of the rail trail system	Park & Rec	State Of Michigan	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-234	1215 E Indian St	RC	Undeveloped parcel	Commercial	City Of Midland	8/2/2012	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-154	1505 E Indian St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-044	1700 E Indian St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-066	1715 E Indian St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-062	1718 E Indian St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-034	1701 E Indian St	IA	RW Electric	Commercial	Thomas Gorham	11/15/2013	Commercial Use	Commercial use	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No change	11/6/2015	As of November 2014; new owner: 10 6th Street LLC- 510 Sixth Street, Midland, MI 48640			Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-142	1007 E Lyon Rd	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-262	710 E Lyon Rd	IA	Fisher Yard	Commercial	Fisher Property Account	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-270	816 E Lyon Rd	RC	Undeveloped parcel	Commercial	City Of Midland	8/2/2012	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-178	308 E Lyon Rd	IA	Midland Tire	Commercial	D & C Investments	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-193	402 E Lyon Rd	IA	Pickering Auto	Commercial	Rapanos Family LC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-198	414 E Lyon Rd	IA	Reliable Plumbing	Commercial	Reliable Leasing Company	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-396	500 E Lyon Rd	IA	Dow Chemical Employees Credit Union	Commercial	Dow Chemical Employees' Credit	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-420	600 E Lyon Rd	RC	Dow Chemical Employees Credit Union	Commercial	Dow Chemical Co Employees Cred	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-450	800 E Lyon Rd	IA	Undeveloped parcel/road area for James Savage	Commercial	City Of Midland	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-012	701 E Lyon Rd	COM	Part of the rail trail system	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No change			Check COM Assessors Website for Ownership change
14-15-50-650	221 E Patrick Rd	RB	Undeveloped wooded parcel	Woodlands	Rapanos	8/14/2013	Undeveloped woodlands	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change
14-15-50-132	501 E Patrick Rd	RC	Detail One/Patrick Road Auto Mall	Commercial	Rapanos	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change

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14-15-50-142	507 E Patrick Rd	RC	Midas	Commercial	Cron Ventures Midland Inc	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-144	511 E Patrick Rd	RC	Parking and undeveloped areas	Commercial	Rapanos	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-146	603 E Patrick Rd	RC	Quality Transmission Repair	Commercial	A & K Homes LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-148	607 E Patrick Rd	RC	Parking and undeveloped areas	Commercial	Judith Ann Rapanos Inter-Vivos Trust	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-150	701 E Patrick Rd	RC	Parking and undeveloped areas	Commercial	Judith Ann Rapanos Inter-Vivos Trust	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-512	1001 E Patrick Rd	RC	Undeveloped parcel	Commercial	Rapanos	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-514	1011 E Patrick Rd	RC	Undeveloped parcel	Commercial	Rapanos	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-155	1204 E Patrick Rd	RC	Auto repair	Commercial	Keith Anderson Real Estate LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-152	1210 E Patrick Rd	RC	Long John Silvers parking	Commercial	Br Associates Inc	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-144	1216 E Patrick Rd	RC	Long John Silver's	Commercial	Br Associates Inc	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	(Date of name change not noted) Servus Inc- 4201-A Mannheim Road, Jasper, IN 47545					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-011	1500 E Patrick Rd	RC	Midland Animal Clinic	Commercial	Pineapple Leasing LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-502	905 E Patrick Rd	RC	Undeveloped parcel	Commercial	Pioneer Development Inc	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-508	909 E Patrick Rd	RC	Undeveloped parcel	Commercial	Rapanos	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-509	911 E Patrick Rd	RC	Undeveloped parcel	Commercial	Rapanos	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-510	923 E Patrick Rd	RC	Undeveloped parcel	Commercial	Rapanos	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-054	308 E Patrick Rd	COM	Part of the rail trail system	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No change			Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-180	1012 E Patrick Rd	RC	Part of the rail trail system	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-120	1201 E Pine St	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-202	1202 E Pine St	OS	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-250	1310 E Pine St	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-188	1406 E Pine St	IA	Fulcrum Composites Inc.	Commercial	Geisler, James H	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-166	1415 E Pine St	IA	Fisher Yard	Commercial	Fisher Property Account	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-150	1501 E Pine St	IA	Fisher Yard	Commercial	Fisher Property Account	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-124	1515 E Pine St	IA	Fisher Yard	Commercial	Fisher Property Account	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-16-40-476	702 E Union St	RB	Residential	Rental	Engwis	5/17/2013	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	As on February 2014, owner name changed to: Singleres LLC - 4878 Bailey Bridge Rd, Freeland, MI, 48623			Check COM Assessors Website for Ownership change
14-21-80-804	825 E. Main St	MULT	Loons Stadium	Commercial	Michigan Baseball Foundation, Inc	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Current zoning/ownership could change	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-16-40-484	708 George St	RB	Residential Multi tenant commercial structure	Rental	Engwis	5/17/2013	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	As of February 2014, owner named changed to: Multifam LLC- 4878 Bailey Road, Freeland, MI 48623			Check COM Assessors Website for Ownership change
14-16-40-478	712 George St	IA	Residential	Commercial	Engwis	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	As of February 2014, owner named changed to: Multicom LLC- 4878 Bailey Road, Freeland, MI 48623	Check COM Assessors Website for Ownership change/ monitor for development
14-16-40-402	715 George St	IA	Pier 701	Commercial	Brown	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for development
14-16-40-380	805 George St	IA	Commercial business	Commercial	Grand Trunk Western Railroad C	8/14/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for development
14-16-40-190	1307 Haley St	RB	Residential	Foreclosure	Bissonette	5/17/2013	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		3/13/2014	New Owner	11/6/2015	As of March 2015, new owner: Shaun O'Brien - 1307 Haley Street			Check COM Assessors Website for Ownership change

**Table 3-1
Land Use Monitoring Summary
The Dow Chemical Company, Michigan Operations**

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification (2)	Follow Up Verification Comments (2)	Follow Up Verification (3)	Follow Up Verification Comments (3)	On-Going Land Use Monitoring Notes	
14-21-10-398	614 Haley St	RB	Unoccupied commercial	Commercial	Michael W & Elizabeth K Engwis Trust	7/24/2014	Verified non-residential use	Not Accessed - Owner Declined	Access not granted	No		Continue Monitoring		11/6/2014	As of February 2014, owner name changed to: Multicom LLC- 4878 Bailey Road, Freeland, MI 48623					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-10-120	1150 James Savage Rd	IA	Multi tenant commercial structure	Commercial	James Savage Facility LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Portion of the parcel found to have residential-like use. 1184 James Savage - presumptive remed in 2012	No	Daycare use within multi tenant structure	Continue Monitoring		8/14/2013	No change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-10-090	1240 James Savage Rd	IA	Unoccupied commercial	Commercial	Pi's Property Management LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-10-086	1300 James Savage Rd	IA	Undeveloped parcel	Commercial	James Savage Facility LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-10-024	1520 James Savage Rd	IA	EZ Pro Delivery	Commercial	E-Z Pro Delivery Inc	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-10-018	1606 James Savage Rd	IA	Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-10-019	1610 James Savage Rd	IA	Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-320	1712 James Savage Rd	IA	Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-314	1808 James Savage Rd	IA	Parking area for Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-312	1810 James Savage Rd	IA	Parking area Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-310	1812 James Savage Rd	IA	Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-313	1814 James Savage Rd	IA	Parking area for Quad Graphics	Commercial	World Color (Usa) LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		7/18/2014	No change	11/6/2015	As of August 2015, new owner: QG Printing II Corp- N61 W 23044 Harry's Way, Sussex, WI 53089				Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-80-306	1818 James Savage Rd	IA	Auto Value	Commercial	Higher Automotive Diagnostics & Repair	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-290	1918 James Savage Rd	IA	Parking area Oil Company - Commercial Gas Station	Commercial	Foster Blue Water Oil	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-300	1920 James Savage Rd	IA	Commercial Gas Station	Commercial	Sunrise #10 LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-245	1922 James Savage Rd	IA	Parking area	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-280	1924 James Savage Rd	IA	Undeveloped parcel	Commercial	Schweihofer CRP LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-200	1926 James Savage Rd	IA	Part of Allied	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-250	1928 James Savage Rd	IA	Allied	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-199	1932 James Savage Rd	IA	Part of Allied	Commercial	City Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-190	2100 James Savage Rd	IA	Allied	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-180	2120 James Savage Rd	IA	Allied	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-160	2200 James Savage Rd	IA	CPI	Commercial	Lubrizol Corporation	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-110	2300 James Savage Rd	IA	CPI Engineering Services - Vacant	Commercial	Lubrizol Corporation	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-80-100	2400 James Savage Rd	IA	Dow Chemical - 1610 Building	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-23-10-060	2700 James Savage Rd	IA	Case Systems	Commercial	Case Systems Development LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change	
14-21-10-076	1209 Jefferson Ave	OS	Undeveloped parcel	Commercial	State Of Michigan	8/2/2012	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-22-70-102	510 Jefferson Ave	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-21-20-004	5131 Jefferson Ave	IA	Undeveloped parcel	Undeveloped	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-21-20-022	617 Jefferson Ave	IA	Unoccupied commercial	Commercial	Taylor, James F & Linda S	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	As of September 2015, new owner: Richard and Janet Buckley- 1762 Hubbert, Midland, MI 48640	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-21-20-024	619 Jefferson Ave	IA	Unoccupied commercial	Commercial	Taylor, James F & Linda S	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	As of September 2015, new owner: Richard and Janet Buckley- 1762 Hubbert, Midland, MI 48640	Check COM Assessors Website for Ownership change/ monitor for land use change	
14-21-20-110	707 Jefferson Ave	IA	Mark's Automotive	Commercial	Buckey, Richard & Janet K	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change	

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The Dow Chemical Company, Michigan Operations**

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification (2)	Follow Up Verification Comments (2)	Follow Up Verification (3)	Follow Up Verification Comments (3)	On-Going Land Use Monitoring Notes
14-21-20-114	715 Jefferson Ave	IA	Fisher Yard	Commercial	Fisher Property Account	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-006	921 Jefferson Ave	IA	Fisher Sand & Gravel	Commercial	Fisher Sand & Gravel	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-286	1008 Jefferson Ave	IA	Midland Resolution Center	Commercial	Blasy, Donald J & Nancy K	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-284	1012 Jefferson Ave	IA	Blasy Electric	Commercial	Blasy, Donald J & Nancy K	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-162	1116 Jefferson Ave	IA	Auto Parts Store	Commercial	Fab Leasing Inc	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-046	614 Jefferson Ave	IA	Fisher Sand & Gravel	Commercial	Fisher Property Account	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-034	626 Jefferson Ave	IA	702 Bar and Midland Engineering	Commercial	Fisher Property Account	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-028	702 Jefferson Ave	IA	Steve's Auto Parts	Commercial	Steege, Edward L & Marilyn S	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-016	720 Jefferson Ave	IA	Unknown commercial/Possibly vacant	Commercial	Jej Real Estate LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-010	800 Jefferson Ave	IA	Unknown commercial	Commercial	Jej Real Estate LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-004	820 Jefferson Ave	IA	Pat Gradall's	Commercial	Acker Office Property LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-306	900 Jefferson Ave	IA	Pat Gradall's yard	Commercial	Acker Office Property LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-300	920 Jefferson Ave	IA	Fisher Sand & Gravel	Commercial	Fisher Sand & Gravel	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-020	1001 Jefferson Ave	RC	Fisher Sand & Gravel Lot	Commercial	Msm Associates	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-026	1011 Jefferson Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-014	613 Jefferson Ave	OA	Commercial business	Commercial	Seer, Roger A	8/2/2012	Verified non-residential use	Property was sampled; compared to industrial criteria	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Monitor for land use change due to concentrations above residential criteria.
14-22-80-158	1118 Jefferson Ave	COM	Undeveloped parcel	Park & Rec	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-146	1120 Jefferson Ave	COM	Part of the rail trail system	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-156	1126 Jefferson Ave	COM	Undeveloped parcel	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-266	1003 Lincoln St	IA	Blasy Electric	Commercial	Blasy, Donald J & Nancy K L	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-268	1005 Lincoln St	IA	Blasy Electric	Commercial	Blasy, Donald J & Nancy K	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-262	1006 Lincoln St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-260	1008 Lincoln St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-258	1010 Lincoln St	IA	Undeveloped parcel	Commercial	Blasy, Donald J & Nancy K L	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-170	1100 Lincoln St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-152	1118 Lincoln St	COM	Part of the rail trail system	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			
14-22-80-150	1121 Lincoln St	COM	Undeveloped parcel	Commercial	City Of Midland	11/15/2013	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	11/6/2015	No Change			
14-15-60-544	400 Maple St	RB	Residential	Rental	Parro	5/17/2013	Residential use	Not Accessed - Owner Declined	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	No change			Check COM Assessors Website for Ownership change
14-23-50-086	1905 Mark Putnam Rd	IB	New Tech	Commercial	Msari Holdings LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-294	1913 Mark Putnam Rd	IA	Bierlein Yard	Commercial	Michael D Bierlein	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change

**Table 3-1
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Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification (2)	Follow Up Verification Comments (2)	Follow Up Verification (3)	Follow Up Verification Comments (3)	On-Going Land Use Monitoring Notes
14-23-50-080	1937 Mark Putnam Rd	IB	Bierlein Yard	Commercial	Bierlein Investments LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-50-070	2127 Mark Putnam Rd	IA	COM owned property	Commercial	City Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-50-060	2201 Mark Putnam Rd	IA	COM water or sewer station	Commercial	City Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-30-296	1506 Maryland St	RA-3	Residential	Owner Occupied	Bebeau	5/17/2013	Residential use	Not Accessed - Owner Declined	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	No Change			Check COM Assessors Website for Ownership change
14-21-10-342	509 Patrick Rd	RB	Part of the rail trail system	Park & Rec	City Of Midland	8/2/2012	Recreational use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-086	721 Pershing St	IA	Dow Chemical	Commercial	Dow Chemical Co	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-70-092	805 Pershing St	IA	Lamons Gaskett Company	Commercial	Schultz, Frederick A Revocable	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-010	713 Plumer St	IA	Dow Chemical	Commercial	Dow Chemical Co	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-084	2300 S Saginaw Rd	IA	Airgas	Commercial	Airgas Usa LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-074	2418 S Saginaw Rd	IA	Airgas	Commercial	James Savage Facility LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-228	2005 S Saginaw Rd	RC	Undeveloped parcel	Commercial	D & B Family Limited Partnership	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-004	2921 S Saginaw Rd	IA	Undeveloped parcel	Commercial	PI'S Property Management LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-006	2929 S Saginaw Rd	RC	Genji's Restaurant	Commercial	PI's Property Management LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-70-016	3001 S Saginaw Rd	RC	Bushey's Bar Multi tenant commercial structure	Commercial	James E Johnson	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-488	3101 S Saginaw Rd	RC		Commercial	Ronald & Eleanor Ziemer	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-500	3131 S Saginaw Rd	RC	TIC	Commercial	Robert & Christy Porterfield	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-506	3137 S Saginaw Rd	IA	Malcomb Group	Commercial	MG-Midland Acquisitions Group LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-524	3213 S Saginaw Rd	IA	Titan Equipment	Commercial	Misaba Steer Products, INC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-536	3229 S Saginaw Rd	IA	MacAllister Rentals	Commercial	Tarbert Properties LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No change	Check COM Assessors Website for Ownership change/ monitor for land use change Combined with several parcel on Corning Lane and Sauve Street in August 2014. Now consists of one parcel of land identified as 14-23-60-362.
14-23-60-352	3313 S Saginaw Rd	IA	Harris Sheet Metal	Commercial	M F & D Development LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-50-090	3415 S Saginaw Rd	IB	Undeveloped parcel	Commercial	M F & D Development LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-424	1602 S Saginaw Rd	RC	Multi tenant commercial plaza	Commercial	Mlv Properties LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-422	1612 S Saginaw Rd	RC	Wendy's Restaurant	Commercial	Sturt, Donald B & Willard	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	As of May 2015, new owner: Hobwen Inc- 13560 Davisburg Road, Davisburg, MI 48350					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-420	1616 S Saginaw Rd	RC	Lil Chef	Commercial	Steele Realty LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	As of July 2015, new owner: 1617 SSR LLC- 7978 Cooper Creek Blvd Suite 100, University Park, FL 34201					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-184	1619 S Saginaw Rd	RC	Kevin Smith Enterprises Inc/Executive Auto	Commercial	Haley Associates Inc	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-188	1703 S Saginaw Rd	RC	Re Store	Commercial	Habitat For Humanity	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-192	1711 S Saginaw Rd	RC	McDonald's Restaurant	Commercial	McDonald's Corporation (S# 210016)	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-394	1800 S Saginaw Rd	RC	Kmart	Commercial	First Berkshire Properties LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-198	1801 S Saginaw Rd	RC	Admiral Gas Station	Commercial	Admiral Petroleum Company #137	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-390	1810 S Saginaw Rd	RC	Taco Bell	Commercial	1826 S Saginaw Road LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring						11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-200	1815 S Saginaw Rd	RC	Midland Motor Hotel Inn	Commercial	Bali Corp	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-218	1819 S Saginaw Rd	RC	PI's Chinese Restaurant	Commercial	PI's Property Management LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change

**Table 3-1
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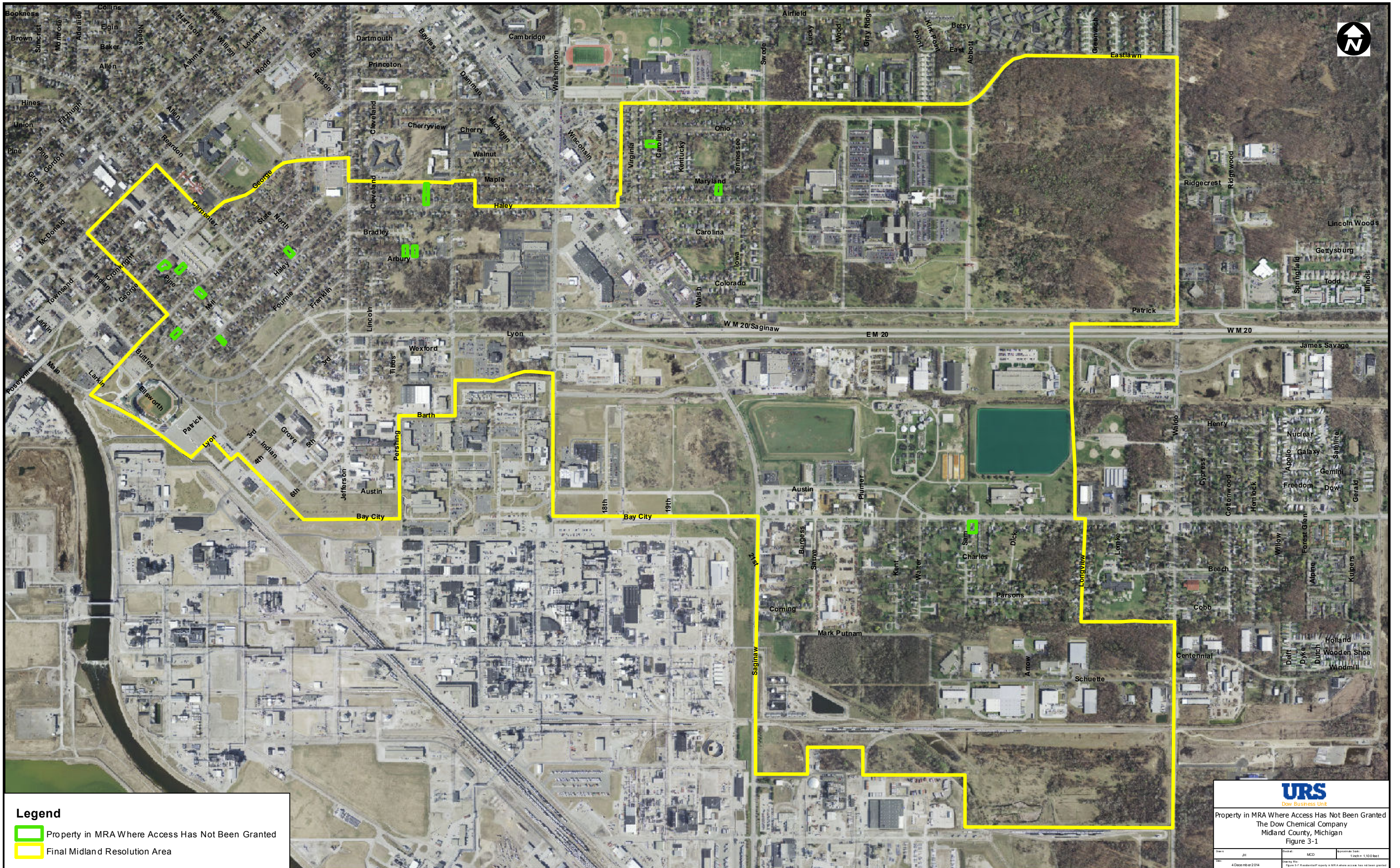
Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification [2]	Follow Up Verification Comments [2]	Follow Up Verification [3]	Follow Up Verification Comments [3]	On-Going Land Use Monitoring Notes
14-15-40-532	1900 S Saginaw Rd	RC	Angel's Karate, Automobile Club of Michigan, Circle Sewing and Vac Center, El Patron, Family Dollar Store #4852, Sally Beauty Supply, Wellington Limited	Commercial	Midland Plaza Center LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-388	1908 S Saginaw Rd	RC	Nicholas Rapanos, The Gourmet Cupcake Shoppe, Salon 45, China Palace, Sprint	Commercial	Midland Plaza Center LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-386	1912 S Saginaw Rd	RC	Rapanos Offices	Commercial	Midland Plaza Center LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-384	1916 S Saginaw Rd	RC	Jimmy John's	Commercial	Midland Plaza Center LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-220	1917 S Saginaw Rd	RC	Undeveloped parcel	Commercial	Westgate Plaza Inc	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-376	2000 S Saginaw Rd	RC	Jack's Market	Commercial	Stehle, Jack W li Inter-Vivos Trust	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-224	2003 S Saginaw Rd	RC	Tim Horton's	Commercial	Johnson, Kathleen A Trust & LaFramb	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-231	2009 S Saginaw Rd	RC	Former Financial Institution	Commercial	Bry-Lex LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-370	2020 S Saginaw Rd	RC	Rally's Restaurant	Commercial	Big Sky Services, Inc	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-234	2029 S Saginaw Rd	RC	Forward Gas Station and Burger King	Commercial	Forward Corporation	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-138	2100 S Saginaw Rd	RC	Tuffy Service Center	Commercial	Ram Realty Enterprises LLC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-013	2111 S Saginaw Rd	RC	Tony's Take Out	Commercial	Lagalo Properties	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-032	2415 S Saginaw Rd	IA	Undeveloped parcel	Commercial	Gvz LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-036	2419 S Saginaw Rd	IA	Undeveloped parcel	Commercial	Gvz LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-040	2421 S Saginaw Rd	IA	Undeveloped parcel	Commercial	Gvz LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-020	2423 S Saginaw Rd	IA	Undeveloped parcel	Commercial	Gvz LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-050	2511 S Saginaw Rd	IA	Old Air Gas building	Commercial	Airgas Great Lakes Inc	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-055	2513 S Saginaw Rd	IA	Parking area (rear) for Quad Graphics	Commercial	World Color (Usa) LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-052	2515 S Saginaw Rd	IA	Storage area for Quad Graphics	Commercial	J & K Associates	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-290	328 Sauve St	IA	Bierlein Yard	Commercial	Bierlein Properties	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/18/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-60-390	323 Sauve St	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-50-300	2425 Schuette Rd	IA	Undeveloped parcel	Commercial	Komar, Ernest E	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-360	2520 Schuette Rd	IA	Dow Automotive Storage/Central Warehouse/ Multi Tenant	Commercial	CDSF LTD	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-310	2527 Schuette Rd	IA	Double R Transport	Commercial	Anderson Commercial Property, LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-340	2611 Schuette Rd	IA	Mitch Art Inc.	Commercial	Mitch Art Inc	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-380	2820 Schuette Rd	IA	Unoccupied commercial	Commercial	Max Era, Inc	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-350	2825 Schuette Rd	IA	Occupied by Xaeris Performance Fluids	Commercial	Rankinen & Associates LLC - Carras Law Office	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-208	2907 Schuette Rd	IA	Wood and contains a portion of the industrial structure	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-214	2930 Schuette Rd	IA	Bierlein Warehouse	Commercial	Bierlein Investments LLC	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-216	3020 Schuette Rd	IA	Undeveloped wooded parcel	Undeveloped Woodlands	Dendritech Inc	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change

**Table 3-1
Land Use Monitoring Summary
The Dow Chemical Company, Michigan Operations**



Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification [2]	Follow Up Verification Comments [2]	Follow Up Verification [3]	Follow Up Verification Comments [3]	On-Going Land Use Monitoring Notes
14-23-40-204	3107 Schuette Rd	IA	Undeveloped wooded parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-218	3110 Schuette Rd	IA	Dendritech Inc	Commercial	Dendritech Inc	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-220	3240 Schuette Rd	IA	Brady News & Recycling	Commercial	Brady, Eugene T & Harriet W	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-346	2705 Schuette Rd	IA	Undeveloped wooded parcel	Undeveloped Woodlands	Mitch Art Inc	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Plan to add institutional control. Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-206	2925 Schuette Rd	IA	Undeveloped wooded parcel	Undeveloped Woodlands	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No change					Plan to add institutional control. Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-096	601 Sixth St	IA	Parking area, storage	Commercial	Misco-Haddix LLC	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-026	614 Sixth St	IA	Parking area	Commercial	Buckey, Rich	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-20-032	514 Sixth St	IA	Commercial business	Commercial	Beehr, Wayne G	8/2/2012	Verified non-residential use	Property was sampled; compared to industrial criteria	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Monitor for land use change due to concentrations above residential criteria.
14-16-40-490	706 State St	RB	Residential	Rental	Engwis	5/17/2013	Residential use	Not Accessed - No Response	Access not granted	No		Continue Monitoring		3/13/2014	No change	11/6/2015	As of February 2014, new owner name: Multifam LLC-4878 Bailey Road, Freeland, MI 48623			Check COM Assessors Website for Ownership change
14-21-20-274	315 Third St	IA	Dow Chemical	Commercial	Dow Chemical Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-172	701 Third St	IA	Fisher Yard	Commercial	Fisher Sand & Gravel	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-176	711 Third St	IA	Fisher Yard	Commercial	Fisher Property Account	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-178	719 Third St	IA	Fisher Yard	Commercial	Fisher Sand & Gravel	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-046	1005 Third St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-032	1006 Third St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-048	1007 Third St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-050	1013 Third St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-040	811 Third St	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-042	815 Third St	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-038	816 Third St	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-044	819 Third St	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-21-10-036	820 Third St	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-240	1003 Tibbs St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-246	1011 Tibbs St	IA	Undeveloped parcel	Commercial	Kareus, Robert D & Judith K Tr	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-248	1015 Tibbs St	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-10-210	1211 Waldo Ave	LCMR	Part of the rail trail system	Commercial	City Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-198	205 Waldo Ave	IA	Undeveloped wooded parcel	Undeveloped Woodlands	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Plan to add institutional control. Check COM Assessors Website for Ownership change/ monitor for land use change
14-23-40-202	215 Waldo Ave	IA	Undeveloped wooded parcel	Undeveloped wooded parcel	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Plan to add institutional control. Check COM Assessors Website for Ownership change/ monitor for land use change

**Table 3-1
Land Use Monitoring Summary
The Dow Chemical Company, Michigan Operations**

Parcel ID	Parcel Address	Property Zoning	Occupant Info.	Observed Land Use	Entity Name or Last Name	Date of Initial Land Use Verification	Verification Comment	Initial Property Status	Justification for Inclusion in Land Use Monitoring	Monitoring Status Change	Justification for Monitoring Status Change	Remove from/Continue Monitoring	Date Removed from Monitoring (if applicable)	Follow Up Verification	Follow Up Verification Comments	Follow Up Verification [2]	Follow Up Verification Comments [2]	Follow Up Verification [3]	Follow Up Verification Comments [3]	On-Going Land Use Monitoring Notes
14-23-40-200	209 Waldo Ave	IA	Undeveloped wooded parcel	Undeveloped Woodlands	Economic Dev Corp County Of Midland	7/18/2014	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Plan to add institutional control. Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-248	1301 Walsh St	RC	Jackson Accounting & Tax	Commercial	Jackson, John P Trust	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-10-130	1100 Washington St	IA	Consumers Energy facility	Commercial	Consumers Energy Co	8/2/2012	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		8/14/2013	No change	7/18/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-436	1111 Washington St	IA	Dow - Washington Street Office	Commercial	Dow Chemical Co	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-166	1301 Washington St	RC	Multi tenant commercial plaza	Commercial	Rapanos Family LC	11/15/2013	No defined use and does not involve residency or exposure to soil that is equivalent with residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-172	1509 Washington St	RC	Multi tenant commercial plaza	Commercial	Rapanos Family LC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-160	1511 Washington St	RC	Multi tenant commercial plaza & parking area	Commercial	Midland Towne Center LLC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-226	1521 Washington St	RC	Multi tenant commercial plaza	Commercial	Rapanos Family LC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-224	1523 Washington St	RC	Multi tenant commercial plaza	Commercial	Rapanos Family LC	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-267	1513 Washington St	RC	Parking area/easement for COM?	Commercial	City of Midland	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-504	1304 Washington St	RC	Pennzoil Quick Lube	Commercial	Pioneer Development	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-496	1312 Washington St	RC	Undeveloped parcel	Commercial	Rapanos, John A & Judith Ann	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-488	1320 Washington St	RC	Circle Auto Parts	Commercial	S & S Investments	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-482	1324 Washington St	RC	Undeveloped parcel	Commercial	Rapanos, John A & Judith Ann	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-450	1514 Washington St	RC	A & W Restaurant	Commercial	Strohkirch Family Real Estate LC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-220	1547 Washington St	RC	Undeveloped paved parcel	Commercial	Rapanos Family LC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-228	1545 Washington St	RC	Undeveloped parcel	Commercial	Rapanos Family LC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-50-222	1549 Washington St	RC	Multi tenant commercial structure	Commercial	Rapanos Family LC	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Current zoning potentially allows for residential-like use	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-15-40-505	1300 Washington St	RC	Lanes of traffic on Washington St	Roadway	City Of Midland	7/18/2014	This is part of Washington St			No		Continue Monitoring		11/6/2015	No Change					This is part of Washington St
14-22-80-212	400 Wexford Ave	IA	Arnold Center	Commercial	Arnold Center, Inc	11/15/2013	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		1/21/2014	No Change	7/24/2014	No Change	11/6/2015	No Change	Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-276	112 Wexford Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-274	116 Wexford Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-256	202 Wexford Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-172	207 Wexford Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-254	208 Wexford Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/18/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-174	211 Wexford Ave	IA	Undeveloped parcel	Undeveloped	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-176	215 Wexford Ave	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change
14-22-80-250	216 Wexford Ave	IA	Undeveloped parcel	Commercial	Economic Dev Corp County Of Midland	7/24/2014	Verified non-residential use	Not Accessed - Non Residential	Verified Non-Residential Property	No		Continue Monitoring		11/6/2015	No Change					Check COM Assessors Website for Ownership change/ monitor for land use change



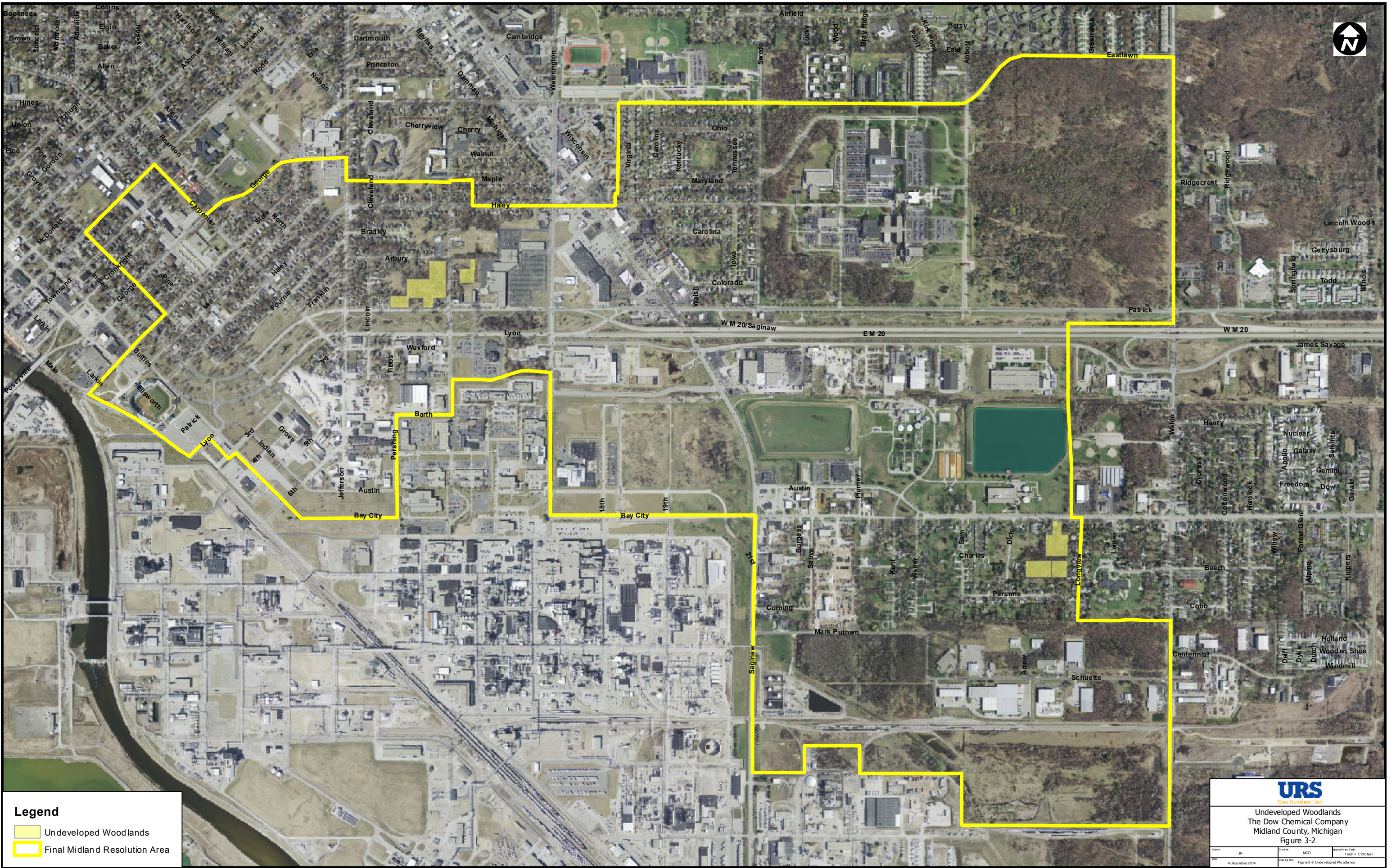
Legend

-  Property in MRA Where Access Has Not Been Granted
-  Final Midland Resolution Area



Property in MRA Where Access Has Not Been Granted
 The Dow Chemical Company
 Midland County, Michigan
 Figure 3-1

Drawn:	JH	Checked:	MCD	Scale:	1 inch = 1,100 feet
Date:	4 December 2014	Drawn By:	John J. Radabaugh	None of the data or reports in this plan were accessed or have been granted.	



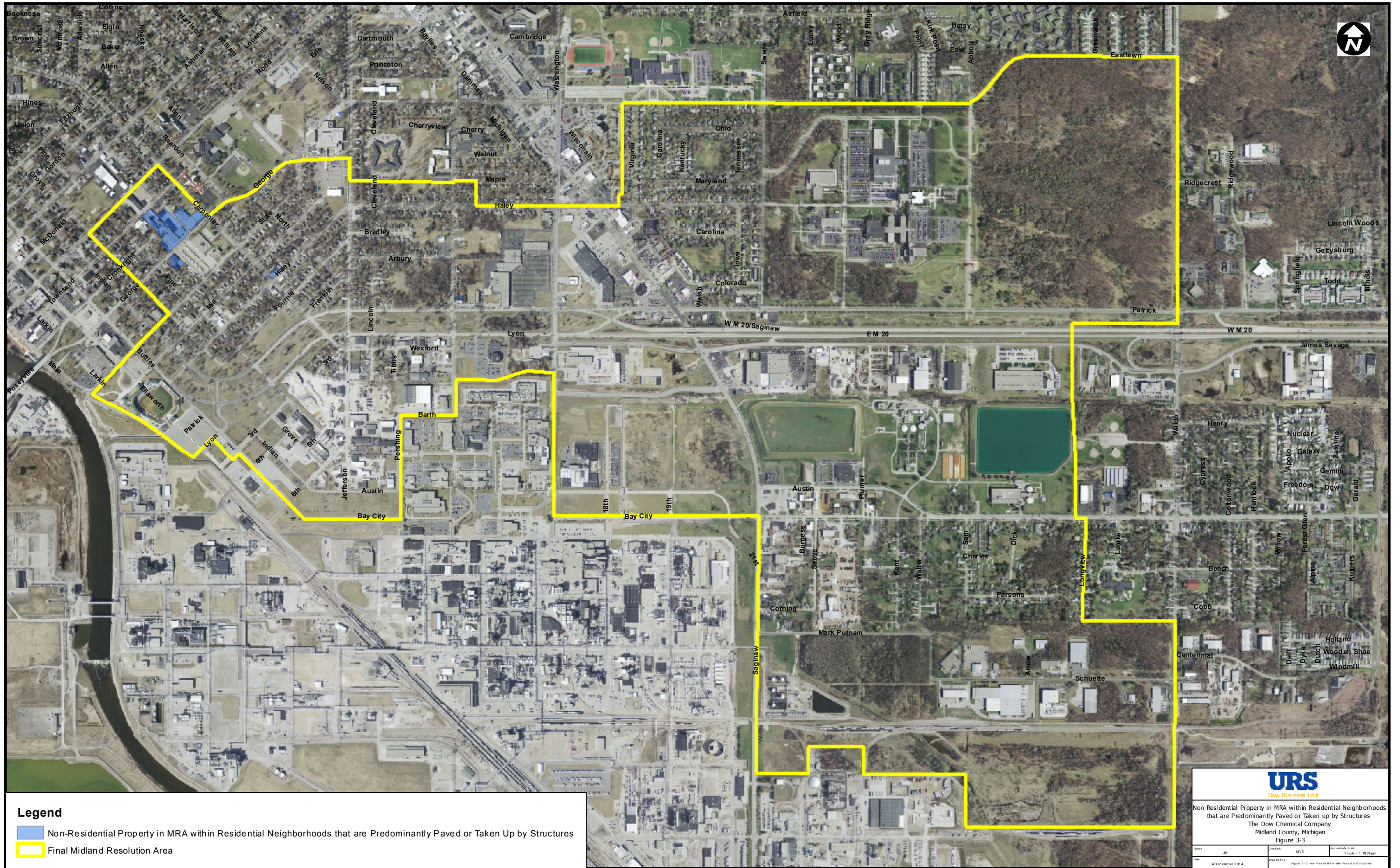
Legend

- Undeveloped Woodlands
- Final Midland Resolution Area

URS
Dow Business Unit

Undeveloped Woodlands
The Dow Chemical Company
Midland County, Michigan
Figure 3-2

Date: 04/11/14	Scale: 1 inch = 1.00 mile
Drawn by: JH	Revised by: MCD
4 December 2014	Figure 3-2 Undeveloped Woodlands



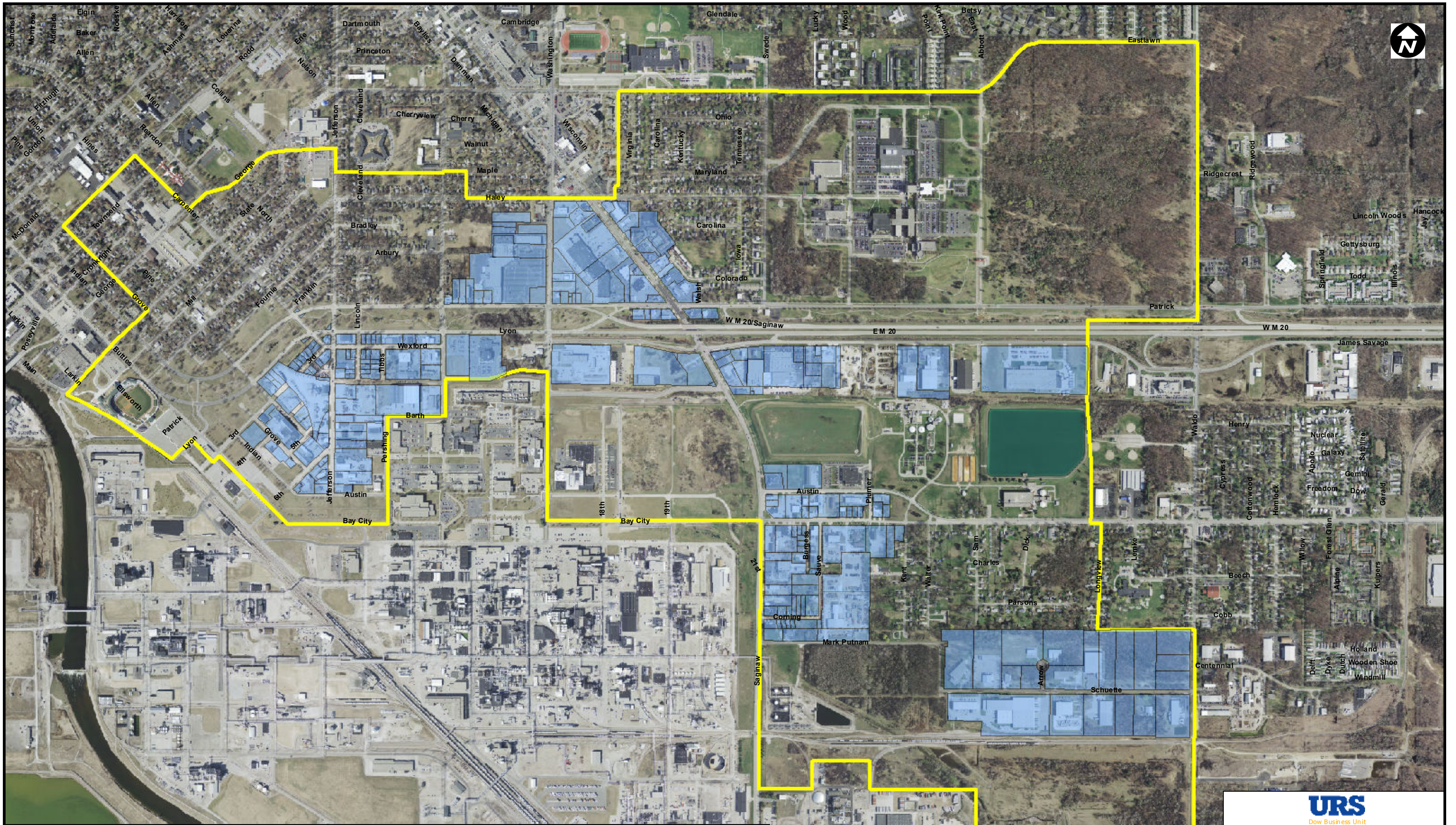
Legend

- Non-Residential Property in MRA with Residential Neighborhoods that are Predominantly Paved or Taken up by Structures
- Final Midland Resolution Area



Non-Residential Property in MRA with Residential Neighborhoods that are Predominantly Paved or Taken up by Structures
 The Dow Chemical Company
 Midland County, Michigan
 Figure 3-3

Drawn: JH	Checked: MCD	Map Scale: 1 inch = 1,000 feet
Date: 4D December 2014	Drawing File: Figure 3-3 Non-Res in MRA with Paved or Structures	



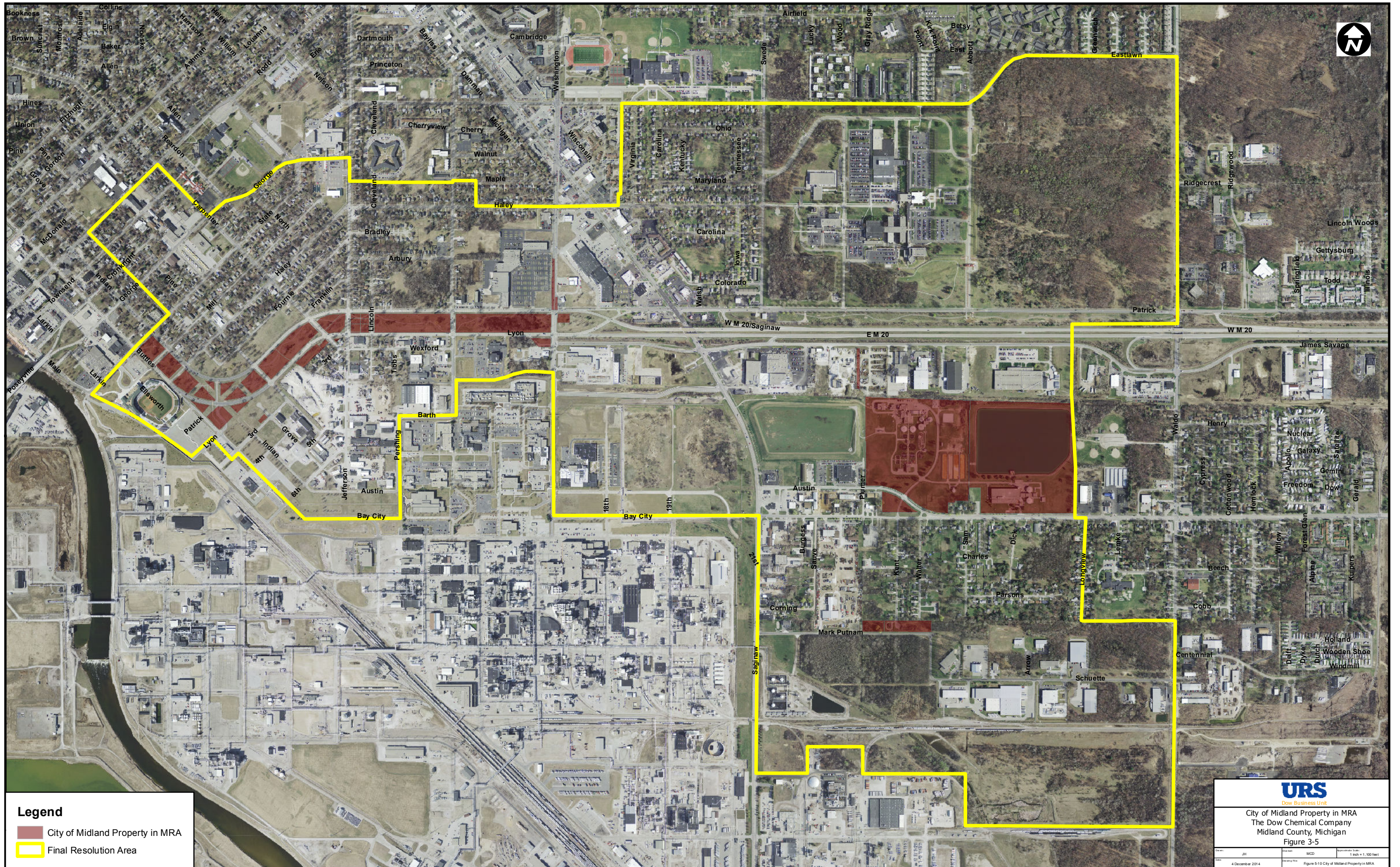
Legend

- Non-Residential Property in MRA apart from Neighborhoods with Soils Less than Generic MDEQ Non-Residential Cleanup Criteria, but may be Greater than SSAL
- Final Midland Resolution Area



Non-Residential Property in MRA apart from Neighborhoods with Soils Less than Generic MDEQ Cleanup Criteria but may be Greater than SSAL
 The Dow Chemical Company
 Midland County, Michigan
 Figure 3-4

Drawn: JH	Checked: MCD	Approximate Scale: 1 inch = 1,100 feet
Date: 4 December 2014	Revised For: Figure 5-6 Non-Res Prop in MRA apart from Neighborhoods	



4.0 Evaluating Program Effectiveness

This Property Monitoring Program utilizes an adaptive management approach which provides the opportunity for improvement throughout the life of the implementation. Changes identified by the Property Monitoring Program will result in adaptation of the monitoring program to current conditions. Each year, specific changes or adaptations identified during the previous year will be incorporated into updates to the monitoring plan, including but not limited to:

- Removal of sites as they are sampled and/or remediated;
- Results of monitoring;
- Changes in frequency of inspection; or
- Changes in frequency of reporting.

These findings will be presented in the Annual Report and communicated to MDEQ throughout the year as monitoring activities are performed. Depending on the results of monitoring, more frequent updates may be necessary and will be coordinated with MDEQ to resolve issues that require more timely adaptation.

The MRA boundary was defined when the available incremental compositing data demonstrated that areas beyond the proposed boundary were less than the SSAL. The final MRA boundary was presented in Part II of the RAP (December 2014). As part of the adaptive management plan, if additional sampling is performed for properties in the long-term monitoring program, the resulting data will be reviewed to confirm the final extent of the MRA boundary. If an adjustment to the MRA boundary is warranted Dow will submit a proposed revised MRA boundary with appropriate documentation in support of the change to MDEQ for review and approval.



5.0 Reporting

By January 31 of each year, Dow will submit an Annual Report to the MDEQ that summarizes the results of the monitoring described above. This report will include a summary of changes in ownership for those properties where access has not yet been granted, status of non-residential land use monitoring, agricultural zoned land monitoring, ICP Plan monitoring, status of any sampling or remedy activity, significant communication with property owners and any proposed modifications to the monitoring program.

**Table 5-1
Monitoring Schedule Overview**

Property Type	Monitoring Activity	Frequency
Annually, Dow will provide to the City of Midland an updated list of MRA Eligible Properties and a map showing the MRA and any changes to the MRA.		
Properties where Access Has Not Been Granted ¹		
	Notification to property owners of eligibility for sampling and remedy, if warranted.	Annual ²
	Notice of new property owner	On-going ⁴
	Review of tax records	Semi-annual
Non-Residential Property with Soils that May Exceed SSAL ^{1,3}		
	The City of Midland will provide written notice of Land Use Changes ⁴	On-going ⁴ , supplemented by an annual summary conference.
	Visual inspection of land use to determine if the parcel has been altered in preparation for development that would otherwise constitute residential or residential-like exposure.	Annual
City of Midland Property within MRA ^{1,3}		
	The City of Midland will provide written notice of Land Use Changes ⁴	On-going ⁴ , supplemented by an annual summary conference.
	Visual inspection of land use to determine if the parcel has been altered in preparation for development that would otherwise constitute residential or residential-like exposure.	Annual
Property currently zone agricultural in the City of Midland		
	Monitor agricultural zoned properties for the presence of farm animals.	Annual, supplemented by an annual summary conference.
Licensed Michigan Child Care Providers		
	Dow will monitor the list of State Licensed Child Care Providers for new additions in the MRA.	Semi-Annual
MISS DIG		
	Upon verification that the proposed excavation activities are occurring on an eligible property, send notification as described in plan directly to the entity planning to conduct excavation activities.	On-going

**Table 5-1
Monitoring Schedule Overview**

Property Type	Monitoring Activity	Frequency
Sampling		
	Provide DEQ notice of intent to sample and sampling plans for review and approval.	<p>A minimum of 30 days prior to requesting access from owners, if initiated by Dow.</p> <p>As soon as reasonably possible if sampling is required due to access granted to residential property, change in use, soil disturbance or other circumstance identified through monitoring.</p>

- 1 These properties will remain in the property monitoring program until access has been granted and the results of sampling have been reported and remedy completed, if warranted. When a change in land use is identified at a non-residential property resulting in a residential or residential-like use; these properties will be added to the list of “properties where access has not yet been granted”.
- 2 Dow will only contact property owners once a year.
- 3 At any time, Dow may opt to pursue access and perform sampling or record institutional controls at individual properties.

Attachment 1

Example MISS DIG System

Notification Land Use

Example email:

-----Original Message-----

From: OCARS_Pro@MissDig.org [mailto:OCARS_Pro@MissDig.org]
Sent: Thursday, August 13, 2015 9:10 AM
To: [MRA Project Account] Miss Digs
Subject: MissDig [MRA Project Account] 2015/08/13 #00001 B52250362-00B EMER NEW LREQ
Importance: High

DOW004 00001 MISDIGb 08/13/15 09:09:57 B52250362-00B EMER NEW PLCE

**** Underground ****

Ticket : [ticket #] Rcvd: 08/13/15 09:08 Oper: AMA Rev: 00B
Org Tkt : [ticket #] Rcvd: 08/13/15 09:09 Oper: AMA

Digstart: 08/13/15 Time: 09:08
Tkt Life: 09/03/15 Time: 23:59 Positive response required: Y
Resp Due: 08/13/15 Time: 12:09

Firm : [party doing excavation] Caller: [contact name]
Phone : [contact phone] Ext: Fax : [contact fax]
E-mail : [contact email]
FieldCnt: Number:

County : MIDLAND Place : MIDLAND /C

:
Grids :

Polygon :

Lat : Long:

Work Typ: REPR UG ELEC/LTD SERV Done For:

Address :

Street : BARTO ST

1st x-st: Dir E of CAMPAU DR

2nd x-st: Dir N of SAGINAW RD

Subdivsn: Lots:

Stk Info: [verbal description of location] CREW ENROUTE

Boring : N On-going project: N Working In or Near R/R Easement: N

Members : ATT ATTD BAMDOTELE BAMDOTOTHR BREIT2 BREIT4 CEEDIS CEETR

Members : CEGD20 CEGDIS CEGTRN CHAR35 CHITELFBR DOW001BRNE DOW001ELE

Members : DOW004ELE DOW004FBR DOW004GAS DOW004STEA DOW004WTR

Members : DOW005 DOW006OTHR GRTLKC KEPS LEVEL3 LYNX MERNET MERNET1

Members : MIDCGV MDDPW MIDESA MIDLANSANI MIDLANSTRM MIDLANTRF

Members : MIDLANWTR PIGEONFBR USSIG WINDFBR [MRA Project Account]

Attachment 2

Existing List of Responses to MISS DIG System Requests

MISS DIG Positive Responses as adopted by TIME and MDPB committees

Positive Responses for Standard Dig Notice Tickets effective 3/1/2015

- 000 **RESPONSE PENDING**- System generated default response attached to initial request
- 001 **NO CONFLICT**- Facility is outside of stated area/scope of excavation
- 002 **MARKED**- Facilities have been marked
- 003 **NOT COMPLETE**- None or some of the facilities have been marked, more time needed, coordination or assistance required to complete locating of facility
- 004 **MARKED-UTILITY REQUIRED ON SITE DURING EXCAVATION**- Facility owner operator required to be on site when excavating within noted scope of work for this specific facility
- 005 **ON GOING COORDINATION**- On-going mutual cooperation between facility owner operator and excavator
- 006 **NOT MARKED-NO ACCESS TO WORK AREA**-Facility owner operator could not get access to work area, and requires coordination with excavator
- 007 **STATED SCOPE OF WORK COMPLETE**- Facility owner operator confirmed stated scope of work found completed prior to dig start date
- 008 **FACILITY RESPONSE NOT REQUIRED**- For RXMT locate requests only (retransmitted at the excavators request) and intended for specific facility or facilities that have NOT been requested to locate. Example- the RXMT locate request states "Locate Gas and Electric only". In this case, all other facility owners (water, sewer, telephone, cable TV, etc.) would respond with "FACILITY RESPONSE NOT REQUIRED". Facilities that were requested (Gas and Electric) would choose from one of the other possible valid positive responses
- 009 **ADDITIONAL LOCATING REQUIRED**- Facility owner discovered field conditions require additional locating and will communicate with excavator on resolution of additional locating issues
- 010 **EXEMPT FROM MARKING**- As defined in Public Act 174 Section 460.727 Sec. 7 (9). This is a system generated response
- 013 **CANCELED**- System generated response indicating the dig notice was canceled
- 999 **HAS NOT RESPONDED**- System generated response indicating the facility owner operator has not responded to the request

GREEN- Dig with caution following PA174 requirements

YELLOW- Contact facility owner operator, Dig with caution following PA174 requirements

RED- Do not Dig

Positive Responses for Design Ticket Requests are not color coded as they are not Dig Notices

201 DESIGN-NO FACILITIES- No Facilities in area as described in the scope of excavation

202 DESIGN-TASK COMPLETED- Facility owner operator sent record drawings to designer

203 DESIGN-MARKING REQUIRED- As defined in Public Act 174 Section 6a paragraph (3)

(3) The response to a design ticket is to provide general information regarding the location of underground facilities, not to mark any facilities. However, if a facility owner or operator does not have drawings or records that show the location of a facility, the facility owner or operator shall mark that facility under the procedures described in section 7. A design ticket or information provided in response to a design ticket does not satisfy the requirement under this act for excavation or blasting notice to the notification system or marking the approximate location of facilities for blasting or excavation.

NOTES: Amended 7/20/15 to clarify use of code 007 & 008; Amended 4/27/15 for addition of code 010

Attachment 3

*Soil Movement Advisory for Private, Public and
Commercial Projects in the Midland Resolution
Area Informational Bulletin and Example
Correspondence*

Soil Movement Guidance for Eligible Properties within the Midland Resolution Area

Midland, Michigan

This bulletin is being provided to you because your property is located within the Midland Resolution Area and has not been sampled for dioxins and furans.

In June 2012, the Michigan Department of Environmental Quality (MDEQ) approved The Dow Chemical Company (Dow)'s work plan to conduct soil sampling and cleanup for the Midland Resolution Area (MRA) of the City of Midland. This plan was designed to address the historic issue of dioxin contamination in Midland area soils. As part of this work, Dow requested access to collect soil samples from the owners of over 1,600 residential and residential-like properties in the MRA and conducted soil removal/replacement as required by the work plan. The majority of this work has been completed, with the exception of a small number of residential properties where the owner has not yet granted Dow access. While in most cases non-residential property within the MRA has not been sampled, it was concluded that the non-residential property meets non-residential soil criteria for its current use.

Soil within the MRA that has not been sampled, or soil that has been determined to be greater than the approved residential use criteria, requires certain precautions before it can be removed from the property. This document provides best practices for managing soil disturbance and movement on eligible properties to avoid inadvertent mishandling of soils that may be contaminated. See the attached map that indicates the boundary of the MRA, or visit www.midlandresolution.com for a list of eligible properties within the MRA that have not been sampled.

MISS DIG is Michigan's official utility safety notification system. In the event of any construction excavation activity identified for properties within the MRA, Dow has partnered with the MISS DIG system to provide notification services. Upon notification and confirmation of eligibility, Dow will provide advice and assistance for proper management of excavated soil consistent with the requirements of the approved work plan. Properties will remain in this notification program until soil sampling as specified in the work plan has been completed and the property is demonstrated to meet the approved residential criteria.

This guidance does not apply to the movement or removal of limited amounts of soil that is coincidental with common household gardening, landscape maintenance, or lawn care. For these common maintenance activities, it is good practice to minimize soil exposure by washing hands after contact with soil, washing foods from your garden, and by avoiding other activities that may increase the likelihood of incidental ingestion of soil. Furthermore, this guidance does not apply to soil below one foot depth and non earthen materials such as wood, concrete, asphalt and other building materials as these soils and materials are not contaminated by dioxin. These soils and materials may be managed as otherwise allowed by law.

This guidance does apply to **surface soil**. Surface soil is soil, dirt, gravel, and sand from the ground surface to one foot in depth. Dow is committed to assisting property owners within the MRA with proper management of the soil on their property. If you are planning an excavation or other soil disturbance and have any questions, are interested in soil sampling or other assistance, please contact the Midland Resolution team as indicated in this bulletin. The section below provides types of activities and best practices for surface soil movement.

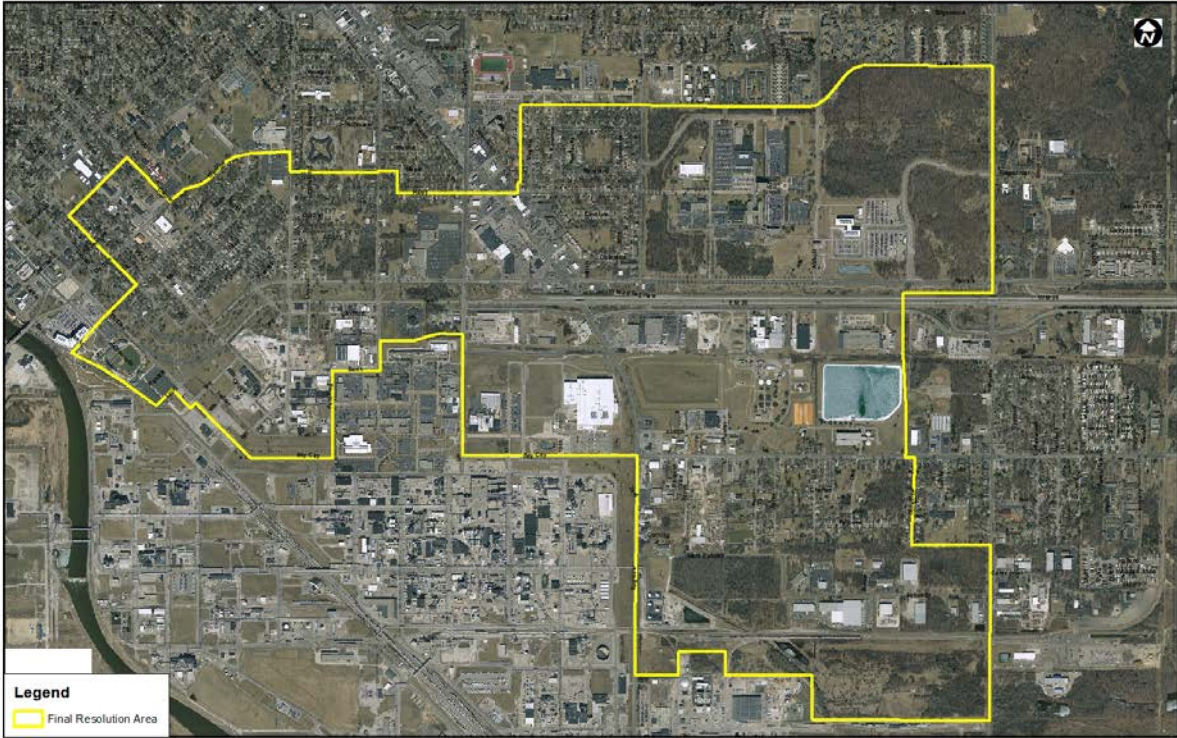
Major Household and Commercial Soil Movement Activities

1. **Types of activity:** Examples include construction of footing for homes or other buildings, road or parking lot construction or repair, sewer or water line construction or repair, utility (electric, hard line phone) construction or repair, underground storage tank repair or removal and large landscaping projects.
2. **Recommendation:**
 - a. Contact the Midland Resolution Team for specific soil management guidance and information about having the soil sampled. If analysis determines that the dioxin levels are 250 ppt or less, disposal of the soil will not be necessary. If the levels of dioxin are greater than 250 ppt, the Midland Resolution Team can assist you with making arrangements for managing the soil. Please note that sampling and analysis could take 1-2 months so advanced planning is required.
3. **Best Practices:**
 - a. Minimize contact with soil during construction activity. Gloves and typical construction attire are sufficient.
 - b. Take measures to control and minimize fugitive dust from excavated soils. This may be done through covering piles of disturbed or excavated soil with plastic sheeting, application of water, or other common means to control dust.
 - c. Put sufficient measures in place to prevent soil erosion off the property from wind and rain.
 - d. In lieu of sampling, either maintain/reuse the upper 12” of excavated soil on the property or properly dispose of the upper 12” of excavated soil to the City of Midland Landfill.

For sites that have obtained a Soil Erosion and Sedimentation Control Permit and/or have received a Notice of Coverage under Part 91 of the Natural Resources and Environmental Protection Act, the requirements identified to comply with those permits will generally be sufficient to prevent runoff from in disturbed areas. Not all activities that could result in soil runoff from the property require a permit from DEQ; however a number of best management practices (BMPs) have been developed which can be followed to prevent soil runoff and inadvertent discharge of potentially contaminated soil. Examples and guidance are available at the following DEQ website:

http://www.michigan.gov/deq/0,4561,7-135-3313_51002_3682_3714-118554--,00.html.

This bulletin was prepared by The Dow Chemical Company and approved by the MDEQ. For additional information regarding the Midland Resolution Program or this advisory, please visit the MDEQ web site, www.michigan.gov/deq (select Dioxin Information under “Quick Links”), the Midland Dioxin Resolution web site, www.midlandresolution.com, or call one of the contacts listed below.



Contact Information	
Midland Resolution Team at The Dow Chemical Company	Soil Movement Information: (989-928-1561) Local: 989-638-7002 Toll Free: 888-778-2306 www.midlandresolution.com
MDEQ	Al Taylor Art Ostaszewski Trisha Confer

Attachment C
Corrective Action Cost Estimate
The Dow Chemical Company
Midland Area Soils

The administrative rules promulgated pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451), R 299.9713 establishes requirements for providing financial assurance for corrective action. Specifically, R 299.9712 prescribes the preparation of associated cost estimates and this attachment has been prepared pursuant to those requirements.

1.0 CORRECTIVE ACTION COST ESTIMATE

An owner or operator is required to establish financial assurance for the cost of performing corrective action at the facility in accordance with the provisions of R 299.9629 and the site operating license. The financial assurance is based on a detailed written estimate, in current dollars, of the cost of hiring a third-party to complete the corrective action measures required pursuant to the provisions of R 299.9629 and the site operating license.

The cost estimate provided below has been prepared for the corrective actions that are currently required as defined by the *Midland Area Soils Corrective Action Summary Report* (URS, 2014). If it is determined that additional corrective measures are required and what those corrective measures will be, the corrective action cost estimate may be updated to reflect significant or long term corrective measures. Financial assurance will also be adjusted to reflect work that has been completed or no longer is necessary.

The cost for corrective action over thirty years for The Dow Chemical to address the Midland Area Soils is estimated at **\$ 1,378,100**. The corrective action cost estimate breakdown by function is provided in Section 2.0. Function-specific work sheets are provided, as applicable, in Tables 2 through 6. Total costs include a 10 percent contingency for miscellaneous unanticipated costs.

Financial assurance is provided separately for off-site corrective actions to address historic releases to the Tittabawasee and Saginaw Rivers and associated floodplains. Financial assurance for the Tittabawasee and Saginaw Rivers and associated floodplains are provided for each approved CERCLA order, and are updated upon closure of an order, or issuance of a new order. Upon approval of this cost estimate, the costs for the Midland Area Soils can be included in the corrective action cost estimate for the Midland Plant Facility, and financial assurance provided via the same mechanism.

2.0 Corrective Action Estimate Breakdown

Provide a breakdown of the closure cost estimate for the facility by completing the following tables, as appropriate.

The following categories:

1. Annual monitoring and reporting cost
2. Future sampling cost
3. Future remediation cost

Table 1
Midland Area Soils Corrective Action Cost Estimate Breakdown

1.	Annual Monitoring and Reporting Cost	\$ 30,000
2.	Subtotal of Annual Costs over 30 Year Period	\$ 900,000
4.	Future Sampling Cost	\$ 58,800
5.	Future Remediation Cost	\$294,000
6.	Subtotal of All Costs Over 30 Year Period	\$ 1,252,800
7.	Contingency Allowance (10% of corrective action costs)	\$ 125,300
Total Midland Area Soils Corrective Action Cost Estimate (rounded to the nearest thousand)		\$ 1,378,100

3.0 Annual Monitoring and Reporting

Annual monitoring and reporting cost is summarized below for completing the work summarized in Attachment B of this report (Midland Area Soils Property Monitoring Plan), including:

- Annual monitoring for changes in property ownership for properties where access has not yet been granted;
- Annual monitoring for changes in land use where the established remedy requires non-residential land use; and
- Preparation and submittal of an annual monitoring report.

**Table 2
Monitoring and Reporting Estimated Cost**

Activity		Estimated Cost
1.	Annual monitoring for change in property ownership	\$ 3,000
2.	Administration of MISS DIG notification program	\$ 20,000
2.	Annual monitoring for change in land use	\$ 5,000
3.	Annual Administration and Recordkeeping	\$2,000
Total Annual Operation and Maintenance Cost		\$ 30,000

4.0 Future Sampling

Sampling may be necessary in the future for a few categories of property, including:

- Undeveloped wooded lots;
- Residential properties that have not yet granted access; or
- Non-residential properties that are mostly pavement or taken up by structures.

Estimated costs include field sampling labor, laboratory analysis, evaluation and reporting of results.

**Table 3
Future Sampling Unit Costs**

Activity		Estimated Cost
1.	Field Sampling of each DU	\$1,000
2.	Fast Analysis for each DU	\$600
3.	Data Evaluation and Reporting	\$500
4.	Total Sampling Cost per DU	\$2,100

**Table 4
Future Sampling Estimated Cost**

Activity		Quantity	Estimated Cost
1.	Sampling undeveloped wooded lots	5	\$ 10,500
2.	Residential properties that have not yet granted access	13	\$ 27,300
3.	Non-Residential properties that are mostly pavement or taken up by structures.	10	\$ 21,000
4.	Total Cost of Future Sampling		\$ 58,800

5.0 Future Remediation

Throughout the Midland Resolution Area (MRA), the frequency of properties sampled found below the site-specific action level (SSAL) ranged from 80 to 90%. The cost for future remediation assumes that this frequency will be consistent with the properties that may be sampled in the future. Remedy estimate was prepared based on typical costs of remediation during the field implementation of the *Interim Response Activity Work Plan Designed to Meet Criteria* (IRDC, URS, 2012). Future Remediation was assumed to be consistent with that described in Section 3.2 of the *Midland Area Soils Corrective Action Summary Report – Part III*.

**Table 5
Future Remediation Unit Costs**

Activity		Estimated Cost
1.	Design Site-Specific Remedy Plan	\$ 2,000
2.	Typical Soil Removal Cost	\$ 10,000
3.	Typical Landfill Disposal Cost	\$ 3,000
4.	Typical Backfilling and Topsoil Replacement	\$ 10,000
5.	Typical Landscaping Cost	\$ 6,000
6.	Typical Arborist Cost	\$ 4,000
7.	Typical Paving/Concrete Cost	\$ 2,000
8.	Typical Restoration with Hydroseed	\$ 2,000
9.	Post Construction Monitoring and Maintenance	\$ 3,000
4.	Total Remediation Cost per DU	\$42,000

**Table 6
Future Remediation Estimated Costs**

Activity		Quantity	Estimated Cost
1.	Remediation of undeveloped wooded lots	2	\$ 84,000
2.	Remediation of properties that have not yet granted access	3	\$ 126,000
3.	Remediation of non-residential properties that are mostly pavement or taken up by structures.	2	\$ 84,000
4.	Total Cost of Future Remediation		\$ 294,000