



STATE OF MICHIGAN

DEPARTMENT OF NATURAL RESOURCES & ENVIRONMENT

LANSING

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GOVERNOR

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NOTICE OF FINAL DECISION

The Dow Chemical Company
Midland, Michigan
Hazardous Waste Management Facility Operating License Major Modification - Amendment 8
May 12, 2010

The Michigan Department of Natural Resources and Environment (DNRE) issued a hazardous waste management facility operating license major modification (Amendment 8) to The Dow Chemical Company (Dow), Michigan Operations, Midland Plant, located at 1790 Building, Midland, Michigan 48674, pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, on May 12, 2010. The license modification was necessary to fulfill the requirements of paragraph 47 of the Administrative Settlement Agreement and Order on Consent for Remedial Investigation, Feasibility Study and/or Engineering Evaluation and Cost Analysis, and Response Design, CERCLA Docket No. V-W-10-C-942 (AOC) for the Tittabawassee River/Saginaw River & Bay "Site." The AOC was entered into by Dow, the U.S. Environmental Protection Agency, (U.S. EPA), and the Michigan Department of Environmental Quality (MDEQ, now DNRE) on January 14, 2010, with an effective date of January 21, 2010.

Amendment 8 sets up a process in which specific corrective action obligations in the license that pertain to the "Site" can be satisfied by work conducted in compliance with the AOC. The DNRE retains the ability to review the plans, reports, and other items submitted or determinations made under the AOC in conjunction with the U.S. EPA and to determine whether they satisfy the corresponding obligations of the license. If not, the DNRE may invoke the dispute resolution process specified in the AOC and require corrective action under the license. Some corrective action obligations will be transitioned to work done under the AOC. In addition, Amendment 8 reserves certain rights of the DNRE, including the right to require corrective action for the "Site" beyond that required under the AOC and pursue cost recovery or take enforcement action under certain circumstances. Amendment 8 also provides for the withdrawal of the MDEQ's February 1, 2008, approval with modifications of the Dow Remedial Investigation Scope of Work for the Saginaw River and Bay and Floodplain, as this work would be addressed under the AOC Statement of Work.

The DNRE has prepared a Responsiveness Summary that includes a Summary of Comments document that contains the DNRE's responses to comments received during the public comment period (held from February 4, 2010, through April 5, 2010) and a Summary of Changes document that describes the revisions that were made by the DNRE during the finalization of Amendment 8.

The final Amendment 8, including new Attachments 31 and 32, the "track changes" version of Amendment 8, and the Responsiveness Summary may be reviewed at the DNRE, Waste and Hazardous Materials Division (WHMD), office located on the North Atrium Level (lower floor) of the Constitution Hall Building at 525 West Allegan in Lansing, Michigan (contact Ms. Cheryl Howe at 517-373-9881); at the DNRE, Saginaw Bay District Office, 401 Ketchum Street, Suite B, Bay City, Michigan (contact Ms. Trisha Confer at 989-894-6296); at the Reference Desk of the Grace A. Dow Memorial Library located at 1710 West St. Andrews Street in Midland, Michigan; at the Hoyt Main Library located at 505 Janes Avenue, Saginaw, Michigan;

and at the Alice and Jack Wirt Public Library, 500 Center Avenue, Bay City, Michigan. These documents are also available for review on the DNRE Web site at <http://www.michigan.gov/deqdioxin> (scroll down and click on the "Dow Part 111 Operating License Information" Quick Link in the right navigation bar). The direct link is http://www.michigan.gov/deq/0,1607,7-135-3312_4118_4240-193388--,00.html.

Copies of the documents may be obtained by sending your request to Mr. Lee Petrovich, DNRE, Waste and Hazardous Materials Division, P.O. Box 30241, Lansing, Michigan 48909-7741. Depending upon the items requested, there may be a charge for reproduction and mailing costs. The Responsiveness Summary is being sent, at no charge, to the individuals who submitted written comments during the public comment period.

NOTE: To have your name added to the DNRE's Dow mailing list to receive mailings such as this, please contact Ms. Lindacarol Leiter at leiterl@michigan.gov or at 517-373-9875.