



JENNIFER M. GRANHOLM  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



STEVEN E. CHESTER  
DIRECTOR

April 10, 2006

Ms. Susan Carrington  
Vice President  
Michigan Operations  
The Dow Chemical Company  
47 Building  
Midland, Michigan 48667

Dear Ms. Carrington:

**SUBJECT:** Path Forward on Notice of Deficiency (NOD) Response; Tittabawassee River and Floodplain Remedial Investigation Work Plan (TR RIWP) and Midland Area Soils Remedial Investigation Work Plan (Midland RIWP); The Dow Chemical Company, Michigan Operations (Dow); MID 000 724 724

The Michigan Department of Environmental Quality (MDEQ) has reviewed your April 6, 2006, letter that proposes a path forward for responding to the "high level" deficiencies in the NOD dated March 2, 2006, on the TR RIWP and Midland RIWP. In the interest of reaching agreement on, and approval of, sampling to be conducted during the 2006 field season to further understand site conditions in the areas of concern, the MDEQ concurs with your proposal to revise the TR RIWP to address NOD comments 1 through 7, 9, 11, and 16, and to revise the Midland potential constituents of interest (PCOI) investigation strategy to address NOD comment 10 by May 1, 2006. Since it is critical to obtain soil sampling and analytical information this summer, revisions to the Midland PCOI investigation strategy must also be made to the Midland Representative Soils Sampling and Analysis Plan In Support of Bioavailability Study, dated January 17, 2006, (originally submitted on November 1, 2005) in addition to the TR RIWP.

As you are aware, meetings among our collective technical staff have been scheduled for April 12 and 18, 2006, to discuss the sampling work plan revisions necessary to ensure that Tittabawassee River and floodplain and Midland soils sampling proceeds this summer. Additionally, Dow's consideration of using the *GeoMorph* process to address contaminated river sediments is encouraging, but Dow and Ann Arbor Technical Services, Inc., will need to work closely with the MDEQ to address shortcomings and sequencing. Supplementary meetings can be set up, as needed.

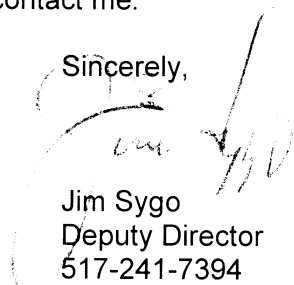
Under separate cover, Dow will soon be receiving a more detailed technical review NOD from the MDEQ that will supplement the high level deficiencies in the March 2, 2006, NOD. The more detailed NOD will include comments received from the Natural Resource Damage Assessment Trustees and the public during the public comment period that ended on March 15, 2006. Given the extent of the deficiencies in the forthcoming NOD, in combination with the scope of the deficiencies related to the Human Health Risk Assessment (HHRA) Work Plan components of the TR and Midland RIWPs in the March 2, 2006, NOD, the MDEQ hereby extends the due date for responding to comments 8, 12 through 15 and 17 through 26 of the March 2, 2006, NOD to December 1, 2006. Some of the comments in the forthcoming NOD will

relate to the soil sampling efforts and will need to be incorporated into the May 1, 2006, submittal. The remaining comments can be addressed in the December submittal.

It is important to note that as Dow receives the results of sampling conducted this field season, the information must be used to develop the December TR RIWP and Midland RIWP and, thereby, address all the remaining defects identified in both NODs. It should also be clarified that much of the information included in comments 12 through 15 and 17 through 26 on the HHRA Work Plans must be taken into consideration as the plans to collect exposure data over the next year are developed and carried out.

Should you have questions regarding this letter, please contact Mr. George W. Bruchmann, Chief, Waste and Hazardous Materials Division, at 517-373-9523, or by e-mail at bruchmag@michigan.gov, or you may contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Jim Sygo", is written over a circular stamp or seal. The signature is slanted and somewhat stylized.

Jim Sygo  
Deputy Director  
517-241-7394

cc: Mr. David Gustafson, Dow  
Mr. Ben Baker, Dow  
Ms. Margaret Guerriero, U.S. Environmental Protection Agency (U.S. EPA), Region 5  
Mr. Gerald Phillips, U.S. EPA, Region 5  
Mr. John Steketee, U.S. EPA, Region 5  
Mr. Greg Rudloff, U.S. EPA, Region 5  
Mr. Frank J. Ruswick, Jr., Special Assistant to the Director, MDEQ  
Mr. George W. Bruchmann, MDEQ