

PUBLIC NOTICE

Hazardous Waste Management Facility Operating License Major Modification for The Dow Chemical Company, Midland, Michigan

The Michigan Department of Natural Resources and Environment (MDNRE) hereby gives notice of its intent to approve a major modification of the hazardous waste management facility operating license that was issued to The Dow Chemical Company (Dow), Michigan Operations, Midland Plant, in June 2003 pursuant to Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The license modification is being proposed 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 and 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 MDNRE) on January 14, 2010, with an effective date of January 21, 2010.

The draft license modification 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 MDNRE would retain 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 MDNRE 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 under the AOC. In addition, the license modification would reserve certain rights of the MDNRE, 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. The draft license modification 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 MDNRE invites public comment on the draft license modification. A public hearing will be held on Thursday, March 11, 2010, at Saginaw Valley State University, Curtiss Hall, Seminar Room G, 7400 Bay Road, Saginaw, Michigan. The hearing is scheduled for 7:00 to 9:00 p.m. The purpose of the hearing is to allow interested persons to submit oral or written comments regarding the draft license modification. The public comment period begins on February 4, 2010, and ends on April 5, 2010.

The draft license modification and fact sheet are available for review at the Reference Desk of the Grace A. Dow Memorial Library, 1710 West St. Andrews Street, Midland, Michigan; the Hoyt Main Library, 505 Janes Avenue, Saginaw, Michigan; the Alice and Jack Wirt Public Library, 500 Center Avenue, Bay City, Michigan; and the MDNRE, Saginaw Bay District Office, 401 Ketchum Street, Suite B, Bay City, Michigan (contact Ms. Trisha Confer at 989-894-6296). These materials are also available at the MDNRE, Waste and Hazardous Materials Division, Constitution Hall, Atrium North, 525 West Allegan Street, Lansing, Michigan (contact Ms. Cheryl Howe at 517-373-9881 or howec@michigan.gov) or 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). Copies of the documents may be obtained for the cost of reproduction (about \$60) by sending your request to Mr. Lee Petrovich at the following mailing address: MDNRE, Waste and Hazardous Materials Division, P.O. Box 30241, Lansing, Michigan 48909-7741.

Written comments on the draft license modification will be accepted during the public comment period. All comments submitted for consideration must be postmarked or e-mailed by April 5, 2010. Comments regarding the draft license modification and requests to be placed on the facility mailing list should be sent to Ms. Howe at the e-mail or mailing address above. Before issuing a final decision on the draft license modification, the MDNRE will evaluate all comments received. The final decision on the draft license modification will be communicated to all persons who submit written comments or are on the facility mailing list. The MDNRE will respond to all significant comments and explain any changes that are made.