



47 BUILDING  
April 10, 2006

The Dow Chemical Company  
DOW CHEMICAL COMPANY

Jim Sygo  
Deputy Director  
Michigan Department of Environmental Quality  
Constitution Hall -- 525 W. Allegan Street  
P.O. Box 30473  
Lansing, MI 48909

**Re: Path Forward**

Dear Mr. Sygo:

This letter proposes a path forward to focus The Dow Chemical Company's (Dow) response to the Michigan Department of Environmental Quality's (MDEQ) "high level" deficiencies regarding the Tittabawassee River and Floodplain Remedial Investigation Work Plan (River RIWP) and the Midland Area Soils Remedial Investigation Work Plan (Midland RIWP).

**Path Forward on NOD Response**

As MDEQ's letter stated, and with which we agree:

*As it is our common and frequently stated goal to organize our efforts to achieve the greatest benefit with respect to sampling during the upcoming field season, we believe it is appropriate and necessary to focus at this time on revising the initial phases of the RIWP to address the field work that is to be conducted this year.*

In an effort to mutually focus our collective efforts on working towards achieving this common goal, we propose that Dow's initial response to the March 2, 2006 "Notice of Deficiency" (NOD) solely address MDEQ's comments numbered 1 - 7, 9, 11 and 16, which should also address many of the issues raised by EPA on the same topics. These are MDEQ's comments focused on the goal of collection of data that supports an initial better understanding of site conditions in the study area, including the initiation of studies designed to gather exposure potential information for consideration in the human health

risk assessment that requires data collection over a period of 12 months or more. This response will be supplied to MDEQ on or before May 1, for approval, and will provide revisions and clarifications to the relevant sections of the Tittabawassee River RIWP which will address comments 1-7, 9, 11 and 16.

More specifically, the Tittabawassee River RIWP will be clarified and revised to address the following data collection activities that will be initiated during 2006, and if feasible, completed during the 12 months following approval of these plans. In the response to the NOD, we will incorporate the investigative technology and approach previously presented to MDEQ and EPA by ATS Inc. Shortly, after submission of the NOD response, ATS Inc. and Dow will continue to work with MDEQ staff in the development of the detailed work plan for the implementation of this investigative approach, which will include the following elements:

- Geomorphological characterization of the Tittabawassee River and its floodplain at and downstream from Dow
- Development of an appropriate geomorphic model for that portion of the Tittabawassee River and floodplain
- Development and implementation of a sampling plan based on the geomorphic model approved by MDEQ
- The first phase of the sampling of the floodplain will include a screen for the presence of potential constituents of interest (PCOI) beyond furans and dioxins and will also include sampling being performed to serve the following additional purposes:
  - Priority 2 residential property sampling
  - Bioavailability support sampling
- A rapid dioxin/furan screening technology will be proposed to the MDEQ which can also be field tested
- Studies that collect exposure pathway information to support the human health risk assessment
- A proposed schedule for these investigations

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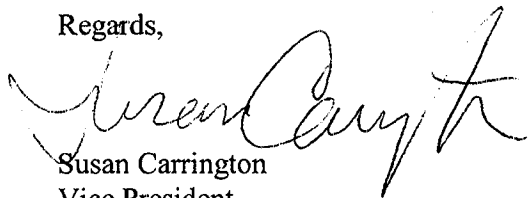
The other comments raised by MDEQ not directly related to the immediate priority of getting into the field this season, as well as any additional comments that MDEQ may raise about other aspects of the RI work plans, will be addressed at a later date, or dates as established by the MDEQ.

Let us know if the approach summarized above sets forth an acceptable approach to phasing the response to the NOD and the conduct of the first phase of the Tittabawassee River RI Work Plan so that our initial efforts can be focused on these priority tasks.

#### **Pre-RI Sampling Activities**

Separately, we hope by the beginning of May 2006 to have worked with MDEQ to respond to comment 10 that addresses pre-RI sampling proposed for the City of Midland that was originally proposed to MDEQ on November 1, 2005. The intent of these discussions would be to enable this work to move forward as well during the 2006 sampling season.

Regards,



Susan Carrington  
Vice President  
Michigan Operations  
Midland, MI 48667

CC: Frank Ruswick  
George Bruchmann