October 13, 2006

Ms. Mary H. Terzino
Assistant General Counsel & Director
Corporate Legal Issues
The Dow Chemical Company
2030 Dow Center
Midland, Michigan 48674

Dear Ms. Terzino:

SUBJECT: Notice of Intent to Perform a Natural Resource Damage Assessment (NRDA) for Releases at or from The Dow Chemical Company Manufacturing Plant Property at Midland, Michigan

This letter is sent on behalf of the natural resource trustees identified below to notify The Dow Chemical Company of, and invite its participation in, the assessment of injuries to natural resources resulting from the release of hazardous substances at or from The Dow Chemical Company Manufacturing Plant Property at Midland, Michigan (Site). The Site includes the Dow Midland manufacturing plant property, the aerial deposition zone for airborne matter originating from the property, the Tittabawassee River and its floodplains downstream of Midland, the Saginaw River and its floodplains, and Saginaw Bay. Under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 43 U.S.C. §9607(f)(1); and the Clean Water Act, 33 U.S.C. §1321(f)(5), the trustees are authorized to recover natural resource damages, plus the reasonable cost of assessing those damages. Such damages may include the cost of restoration of natural resources, the cost of replacement or acquisition of the equivalent resources and the value of any loss of use of the natural resources. This notice and invitation, and the NRDA are pursuant to the United States Department of Interior's (DOI's) NRDA regulations found at 43 C.F.R. Part 11.

The trustees believe that polychlorinated dibenzo-p-dioxins and dibenzofurans (PCDD/Fs) released at or from the Dow manufacturing plant property has caused, and continues to cause, injuries to, destruction of, or loss of natural resources. Natural resources injured or potentially injured include, but are not limited to: surface water and sediments of the Tittabawassee and Saginaw Rivers and Saginaw Bay, groundwater, floodplain soils, terrestrial and aquatic plants, aquatic invertebrates, resident and migratory fish, terrestrial invertebrates, amphibians, reptiles, mammals and birds.

The trustees for these natural resources include the State of Michigan (State), acting through the Director of the Michigan Department of Environmental Quality and the Director of the Michigan Department of Natural Resources and the Michigan Department of Attorney General; the DOI acting through its representatives, the United States Fish and Wildlife Service (FWS) and the Bureau of Indian Affairs (BIA);

and the Saginaw Chippewa Indian Tribe of Michigan (Tribe). The bases for these trusteeships, in general, are under §107(f) of CERCLA, as amended, 42 U.S.C. §9607(f); the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), as amended, 40 C.F.R. Part 300; 43 C.F.R. Part 11; Part 201, Environmental Remediation, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 201), and other applicable federal, tribal, and state regulations and directives, which serve to designate federal, state, and tribal natural resource trustees, and which authorize the recovery of natural resource damages. FWS is a trustee for natural resources, and their supporting ecosystems, managed or controlled by DOI, such as the Shiawassee National Wildlife Refuge, birds under the Migratory Bird Treaty Act, threatened and endangered species, and their habitats. The State has trusteeship over natural resources, including their supporting ecosystems, within the boundary of the State, or managed by, controlled by, or appertaining to the State. The Tribe is a trustee for natural resources and their supporting ecosystems, belonging to, managed by, controlled by, or appertaining to the Tribe, or held in trust for the benefit of the Tribe, or belonging to a member of the Tribe, if such resources are subject to a trust restriction on alienation.

The trustees conducted a Preassessment Screen (PAS) for the Site in accordance with Subpart B - Preassessment Phase, 43 C.F.R. §§11.20-11.25. A copy of the PAS is attached for your information. The PAS is considered a public document and will be available to the public for its information.

Based on the PAS, the trustees have made a preliminary determination that all of the following criteria specified in 43 C.F.R. §11.23(e) have been met:

1. A discharge of oil or a release of a hazardous substance has occurred.

2. Natural resources for which the federal or state agency or Indian tribe may assert trusteeship under CERCLA have been or are likely to have been adversely affected by the discharge or release.

3. The quantity and concentration of the discharged oil or released hazardous substance is sufficient to potentially cause injury, as that term is used in 43 C.F.R. Part 11, to those natural resources.

4. Data sufficient to pursue an assessment are readily available or likely to be obtained at reasonable cost.

5. Response actions, if any, carried out or planned, do not or will not sufficiently remedy the injury to natural resources without further action.

Based on evaluation of these five criteria, the trustees have determined that a NRDA should be carried out at this Site in accordance with federal regulations at 43 C.F.R., Part 11, subparts C and E, in order to assess damages to natural resources caused by releases of PCDD/Fs at or from the Dow Midland manufacturing plant property.

The trustees have also made a preliminary determination that Dow is potentially liable for natural resource damages at the Site.

Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the trustee contacts in Attachment A, indicating whether Dow intends to participate in the NRDA process at the Site.

es M. Wooley
g Regional Director

Robyn Thorson — 11/3/06 Date
Regional Director, Region 3
U.S. Fish and Wildlife Service
Authorized Official for the U.S. Department of the Interior

Steven E. Chester — 10-16-06 Date
Director
Michigan Department of Environmental Quality

Rebecca A. Humphries — Date
Director
Michigan Department of Natural Resources

Kathleen L. Cavanaugh — Date
Assistant Attorney General
Michigan Department of Attorney General

Fred Cantu, Jr. — Date
Tribal Chief
Saginaw Chippewa Indian Tribe of Michigan

Based on evaluation of these five criteria, the trustees have determined that a NRDA should be carried out at this Site in accordance with federal regulations at 43 C.F.R., Part 11, subparts C and E, in order to assess damages to natural resources caused by releases of PCDD/Fs at or from the Dow Midland manufacturing plant property.

The trustees have also made a preliminary determination that Dow is potentially liable for natural resource damages at the Site.

Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the trustee contacts in Attachment A, indicating whether Dow intends to participate in the NRDA process at the Site.

_____ _____
Robyn Thorson Date
Regional Director, Region 3
U.S. Fish and Wildlife Service
Authorized Official for the U.S. Department of the Interior

_____ 10-16-06
Steven E. Chester Date
Director
Michigan Department of Environmental Quality

_____ _____
Rebecca A. Humphries Date
Director
Michigan Department of Natural Resources

_____ _____
Kathleen L. Cavanaugh Date
Assistant Attorney General
Michigan Department of Attorney General

_____ _____
Fred Cantu, Jr. Date
Tribal Chief
Saginaw Chippewa Indian Tribe of Michigan

Based on evaluation of these five criteria, the trustees have determined that a NRDA should be carried out at this Site in accordance with federal regulations at 43 C.F.R., Part 11, subparts C and E, in order to assess damages to natural resources caused by releases of PCDD/Fs at or from the Dow Midland manufacturing plant property.

The trustees have also made a preliminary determination that Dow is potentially liable for natural resource damages at the Site.

Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the trustee contacts in Attachment A, indicating whether Dow intends to participate in the NRDA process at the Site.

_____ _____
Robyn Thorson Date
Regional Director, Region 3
U.S. Fish and Wildlife Service
Authorized Official for the U.S. Department of the Interior

_____ _____
Steven E. Chester Date
Director
Michigan Department of Environmental Quality

_____ 10/30/06
Rebecca A. Humphries Date
Director
Michigan Department of Natural Resources

_____ _____
Kathleen L. Cavanaugh Date
Assistant Attorney General
Michigan Department of Attorney General

_____ _____
Fred Cantu, Jr. Date
Tribal Chief
Saginaw Chippewa Indian Tribe of Michigan

Based on evaluation of these five criteria, the trustees have determined that a NRDA should be carried out at this Site in accordance with federal regulations at 43 C.F.R., Part 11, subparts C and E, in order to assess damages to natural resources caused by releases of PCDD/Fs at or from the Dow Midland manufacturing plant property.

The trustees have also made a preliminary determination that Dow is potentially liable for natural resource damages at the Site.

Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the trustee contacts in Attachment A, indicating whether Dow intends to participate in the NRDA process at the Site.

_____ _____
Robyn Thorson Date
Regional Director, Region 3
U.S. Fish and Wildlife Service
Authorized Official for the U.S. Department of the Interior

_____ _____
Steven E. Chester Date
Director
Michigan Department of Environmental Quality

_____ _____
Rebecca A. Humphries Date
Director
Michigan Department of Natural Resources

Kathleen Cavanaugh Nov 3, 2006
Kathleen L. Cavanaugh Date
Assistant Attorney General
Michigan Department of Attorney General

_____ _____
Fred Cantu, Jr. Date
Tribal Chief
Saginaw Chippewa Indian Tribe of Michigan

Based on evaluation of these five criteria, the trustees have determined that a NRDA should be carried out at this Site in accordance with federal regulations at 43 C.F.R., Part 11, subparts C and E, in order to assess damages to natural resources caused by releases of PCDD/Fs at or from the Dow Midland manufacturing plant property.

The trustees have also made a preliminary determination that Dow is potentially liable for natural resource damages at the Site.

Within thirty (30) calendar days of your receipt of this notice, please provide a written response to each of the trustee contacts in Attachment A, indicating whether Dow intends to participate in the NRDA process at the Site.

_____ _____
Robyn Thorson Date
Regional Director, Region 3
U.S. Fish and Wildlife Service
Authorized Official for the U.S. Department of the Interior

_____ _____
Steven E. Chester Date
Director
Michigan Department of Environmental Quality

_____ _____
Rebecca A. Humphries Date
Director
Michigan Department of Natural Resources

_____ _____
Kathleen L. Cavanaugh Date
Assistant Attorney General
Michigan Department of Attorney General

Fred Cantu Jr. 11·1·06
Fred Cantu, Jr. Date
Tribal Chief
Saginaw Chippewa Indian Tribe of Michigan

Attachment A

Notification List for Dow Chemical Response

For the State of Michigan:

Judith Gapp
Remediation and Redevelopment Division
Michigan Department of Environmental Quality
P.O. Box 30426
Lansing, Michigan 48909

Overnight mail:
525 West Allegan Street
Lansing, Michigan 48933

Douglas Reeves
Assistant Chief, Wildlife Division
Michigan Department of Natural Resources
P.O. Box 30444
Lansing, Michigan 48909-7944

Kathleen L. Cavanaugh
Assistant Attorney General
Environment, Natural Resources, and Agriculture Division
Michigan Department of Attorney General
525 West Ottawa Street
Williams Building, 6th Floor
Lansing Michigan 48933

For the Saginaw Chippewa Indian Tribe of Michigan:

Sally Kniffen
The Saginaw Chippewa Indian Tribe of Michigan
7070 East Broadway
Mt. Pleasant, Michigan 48858-8972

Sean Reed, Esq.
The Saginaw Chippewa Indian Tribe of Michigan
7070 East Broadway
Mt. Pleasant, Michigan 48858-8972

For the U.S. Department of the Interior:

Lisa Williams, Ph.D
U.S. Fish & Wildlife Service
East Lansing Field Office
Ecological Services
2651 Coolidge Road, Suite 101
East Lansing, Michigan 48823

Allen J. Sedik, PE
NRDAR Program Manager
U.S. Department of the Interior
Bureau of Indian Affairs
Division of Natural Resources
1849 C Street NW
MS 4655 MIB
Washington, DC 20240