



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



LIESL EICHLER CLARK
DIRECTOR

March 27, 2019

Ms. Karen Mann
EH&S Responsible Care Leader
Environment, Health and Safety
The Dow Chemical Company
Michigan Operations
1790 Building, Washington Street
Midland, Michigan 48674

Dear Ms. Mann:

SUBJECT: Amendment 13, Hazardous Waste Management Facility Operating License
Removal of Purge Wells 5, 6, and 7 from the 7th Street Well Area
Chemical Monitoring Program; The Dow Chemical Company, Midland, Michigan;
MID 000 724 724

The Department of Environmental Quality (DEQ), Waste Management and Radiological Protection Division (WMRPD), Hazardous Waste Section (HWS), has reviewed the Minor Modification Request for the Removal of Purge Wells (PW) 5, 6, and 7 from the 7th Street Well Area Chemical Monitoring Program, received from The Dow Chemical Company (Dow) on February 1, 2019, for Dow's hazardous waste management facility operating license (License), issued pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), on September 25, 2015. Based on the HWS's review of the request, the License is hereby modified, as further specified below:

Removal of Purge Wells 5, 6, and 7 from the 7th Street Well Area

Dow installed a horizontal purge well, in this area, to control hydraulic gradients in groundwater migrating toward the Tittabawassee River. Because of the performance of the horizontal well, Dow would like to remove the previous purge wells used for the same purpose from its Midland Plant Sampling and Analysis Plan (SAP), Table 2-F, Performance Monitoring Program. On June 18, 2018, Dow performed a pilot shutdown of PW-5, PW-6, and PW-7 in order to test whether the horizontal well could successfully perform the same function as the purge wells. The pilot was successful, and Dow reported the results to the DEQ on August 31, 2018. Therefore, PW-5, PW-6, and PW-7 can be properly plugged and abandoned and are no longer required to be sampled annually under the SAP. The horizontal well will be named in the SAP and subject to the same monitoring conditions as PW-5, PW-6, and PW-7.

This minor modification request was submitted on January 29, 2019, pursuant to Rule (R) 299.9519(5) of the administrative rules promulgated pursuant to Part 111 of the NREPA (Part 111 Rules). Based on our review of the request, the HWS has determined that the minor modification request is not the same as any minor modification specifically listed in R 299.9519(5). Therefore, the minor modification request was evaluated to determine whether it meets the requirements of R 299.9519(9) of the Part 111 Rules.

Pursuant to R 299.9519(9):

Any modification that is not specifically listed in subrule (5) of this rule shall be considered a major license modification and shall be subject to the requirements of R 299.9511 and R 299.9520, unless all of the following conditions are met:

(a) The licensee demonstrates, to the director's satisfaction, that a modification is in compliance with the criteria for a minor modification. In determining the appropriate classification for a modification, the director shall consider the similarity of the modification to other modifications listed in subrule (5) of this rule. Minor modifications apply to minor changes that keep the license current with routine changes to the facility or its operation. These changes do not substantially alter the license conditions or reduce the capacity of the facility to protect human health or the environment.

(b) The modification does not authorize the physical construction of a new treatment, storage, or disposal facility; the expansion or enlargement beyond the previously authorized design capacity or area of a treatment, storage, or disposal facility; or the alteration of the method of treatment or disposal previously authorized at a treatment, storage, or disposal facility to a different method of treatment or disposal.

(c) The classification of the modification is not less stringent than that allowed pursuant to RCRA.

This minor modification request satisfies the requirements of R 299.9519(9), as a minor modification to the License, for the following reasons:

This type of License modification was contemplated during the renewal licensing of the facility and is specifically included in the renewal operating License issued to Dow on September 25, 2015. Therefore, the classification of the modification is not less stringent than that allowed pursuant to the Resource Conservation and Recovery Act of 1976, as amended. Title 40 of the Code of Federal Regulations (CFR) allows for a Type 2 license modification at 40 CFR §270.42, Appendix I, Modification C.1.a., which is equivalent to a major license modification under R 299.9519(9) of the Part 111 Rules. However, under License Condition IX.A.2.(b), changes to the facility Shallow Groundwater Hydraulic Monitoring Program and Soil Monitoring Program related to this type of relocation are minor modifications requiring prior approval of the Director of the DEQ. Because the License was public noticed as a draft with these provisions, and no public comments were received during the public comment period, the public participation requirements for a major license modification were previously satisfied.

Therefore, the minor modification request is hereby approved.

Required Follow Up

In accordance with R 299.9519(6)(b) of the Part 111 Rules, Dow is required to send notice of minor modifications to all persons on the facility mailing list and to the appropriate units of state and local government. Such notice must be provided within 90 calendar days of this approval. The updated facility mailing list is enclosed. Please notify the WMRPD of any addresses on the facility mailing list that are returned to sender, and provide a scan of the returns, or the original envelope for our records.

If you have any questions, please contact Mr. Daniel Dailey, Environmental Engineer Specialist, Permit and Corrective Action Unit, Hazardous Waste Section, WMRPD, at 517-242-7261; daileyd@michigan.gov; or DEQ, WMRPD, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

Sincerely,



Allan B. Taylor, Manager
Hazardous Waste Section
Waste Management and Radiological
Protection Division
517-614-7335

Enclosure

cc: Mr. Phil Roycraft, DEQ
Ms. Virginia Himich, DEQ
Ms. Trisha Confer, DEQ
Mr. Daniel Dailey, DEQ
Mr. Joe Victory, DEQ
cc/enc: Mr. Steve Lucas, Dow
Mr. Brad Kischnick, Dow
Operating License File