



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY REGIONS 5
77 WEST JACKSON BOULEVARD CHICAGO, IL 60604-3590

AUG 17 2007

REPLY TO THE ATTENTION OF:

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CERTIFIED MAIL: RETURN~T
REQUESTED

George Bruchmann, Chief
Waste and Hazardous Materials Division
Michigan Department of Environmental Quality
P.O. Box 30241
Lansing, Michigan 48909

Re: *US. EP A Request to the Michigan Department of Environmental Quality (MDEQ) to Require Expedited Corrective Actions by the Dow Chemical Company, Midland, Michigan*

Dear Mr. Bruchmann:

In accordance with its oversight role under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6901 et seq., the United States Environmental Protection Agency, Region 5 (U.S. EPA or the Agency) requests that the Michigan Department of Environmental Quality (MDEQ) take any and all necessary and legal measures to ensure that the Dow Chemical Company (Dow), Midland, Michigan completes the following actions on or before the dates set forth below. Many of these actions were recommended in the Agency's June 7, 2007 *Responses to the Michigan Department of Environmental Quality's (MDEQ) March 2 and April 13, 2006 Notices of Deficiency (May 1, 2006) Submitted to MDEQ by the Dow Chemical Company, Midland, Michigan (MID 000724724)*.

1. U.S. EP A requests that MDEQ require Dow to complete Human Health Risk Assessments (HHRAs) for the City of Midland and the Tittabawassee River & Floodplain Areas of Concern (AGC), as identified in Dow's June 12, 2003 Hazardous Waste Management Facility Operating License, on or before December 31, 2007. These HHRAs shall be consistent with U.S. EP A guidance using currently available default input parameters (e.g. exposure factors, bioavailability factor, etc.) and MDEQ approved dose-response toxicity factors as used in MDEQ's Part 201 program.
2. U.S. EP A requests that MDEQ require Dow to complete a full characterization of the City of Midland AOC on or before December 31, 2007. The Agency also requests that MDEQ require Dow to remediate all contamination within the City of Midland on or before December 31, 2008.

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3. U.S. EPA requests that MDEQ require Dow to promptly initiate one or more Interim Response Actions (IRAs) to address the downstream migration of contaminants from Dow's facility to the Saginaw Bay of Lake Huron. In particular, EP A requests that MDEQ require Dow to design and construct one or more sediment traps in the Saginaw and/or Tittabawassee River. The Agency requests that MDEQ, pursuant to Part XI.G of Dow's June 12, 2003 Hazardous Waste Management Facility Operating License, determine that such IRAs are necessary and require Dow to complete these IRAs on or before December 31, 2008.

4. U.S. EPA considers Dow's Scope of Work (SRB SOW) for the Saginaw River and Bay, submitted to MDEQ on July 13, 2007, to be significantly deficient. As a result, the Agency requests that MDEQ issue a Notice of Deficiency to Dow requiring Dow to revise and re-submit the SRB SOW including a provision committing Dow to complete a full characterization of the Saginaw River & Floodplain and the Saginaw Bay of Lake Huron AOCs on or before December 31, 2008.

5. U.S. EPA requests that MDEQ require Dow to continue sediment and floodplain soil sampling in the Tittabawassee River during calendar year 2007 after November 15, 2007 and until no longer reasonably possible.

Please contact me at (312) 886-7435 or Mr. Gerald W. Phillips of my staff at (312) 886-0977 if you have any questions concerning this letter or the attached comments.

Sincerely,



Margaret Guerriero, Director
Land and Chemicals Division

cc: Jim Sygo, MDEQ Frank
Ruswick, MDEQ