

**Department of Environmental Quality (DEQ)/
The Dow Chemical Company (Dow)
August 24, 2005 Town Hall Meeting**

**DEQ Responses to Questions from a 'Priority One' 'Facility' Resident
of the Tittabawassee River Floodplain**

1. This summer we received a mailing from DEQ titled Frequently Asked Questions For Owners of Property Affected by Migrating Dioxin Contamination; Revised Supplemental Advisory (hereafter referred to as FAQs [or FAQ]). **Is that our official notice that our property is a 'facility?'**

DEQ Response: No, the mailing is not a notice that your property is a Facility. The mailing was sent to approximately 2000 addresses in the vicinity of the Tittabawassee River floodplain as a follow up to a mailing done in 2003. Not all properties where the FAQ was mailed are part of the Facility. The FAQ contains information to help property owners understand how the DEQ determined which properties in that area are part of the Facility caused by migrating dioxin contamination. An important part of the purpose of the FAQ was to make clear that not everyone who received the mailings owns or occupies part of the Facility.

2. One news article quoted Mr. Chester as saying a 'facility' could be a part of the company that caused the contamination. **Does that mean my property is a facility of Dow?** Of course, that brings up many other questions if the answer is yes.

DEQ Response: No. We believe your property is part of an area beyond the Dow plant site that has been affected by contamination from Dow that has migrated onto your property at levels qualifying it as a 'Facility' under Part 201.

3. Another article stated that Mr. Chester felt his 'clarification' of a 'facility' was well received. **By whom? I don't recall being asked. How many people in this room were asked?**

DEQ Response: The Director talked to legislators that were responsible for introducing legislation regarding this matter. He never implied that he talked to everyone affected by the directive to staff.

4. Mr. Chester told us – Tittabawassee River Voice and Midland Matters – that he could not change the term ‘facility;’ that it must be changed through legislation. We went that route and the legislation is well on its way toward completion with Senate Bill 390. **Why were you able to change the meaning without the required legislation?**

DEQ Response: The department has not taken any action that changes the meaning of the word Facility under Part 201. The directive to staff that was recently issued only clarifies and provides direction to DEQ staff about the conditions that must be satisfied before property can be considered part of a Facility. The direction in the policy is based on the current definition of Facility in the law.

5. FAQ 4 (Does DEQ designate a Facility) states 'Only those portions of a parcel of property that are contaminated above a residential criterion are considered part of the Facility.' **Can you tell me what part of my 'priority one property' is a facility?**

DEQ Response: Based on existing data, it has been determined that land that flooded in March 2004 is likely to be contaminated above the residential direct contact criterion of 90 parts per trillion (ppt) TEQ and has a strong probability of being contaminated in excess of the interim response level of 1000 ppt TEQ. These lands are covered by the Tittabawassee River Interim Response Activities Work Plan (IRA Work Plan), and are, therefore, considered part of the ‘Facility’ that must be addressed by Dow during the corrective action process. Further information would need to be gathered to determine whether other areas would qualify as part of the ‘Facility’ that must be addressed by Dow during the corrective action process.

6. FAQ 6 (How did DEQ determine which areas are part of the Facility?) There is a statement 'These property-specific differences were evaluated on a case-by-case basis in identifying which flood plain property is Priority 1, Priority 2, or in neither category.' **Do you have a 'case history' for my property?**

DEQ Response: Dow and the DEQ reviewed the air photos taken during the March 2004 flooding event and identified those properties where the March 2004 flood waters inundated a building or came within 20 feet of a building. These properties were given "Priority 1 status" for purposes of prioritizing the interim response activities. The air photo of your property, along with "the March 2004 flood line," would constitute the individual 'case history' for your property. Copies of these air photos which show the extent of property flooding are available upon request from Dow or the DEQ.