



www.epa.gov/superfund/
community/tasc

TECHNICAL ASSISTANCE SERVICES FOR COMMUNITIES

Tittabawassee River, Saginaw River & Saginaw Bay Contamination Site

Community Factsheet: Dow, EPA and MDEQ Administrative Order on Consent (AOC) November 2009

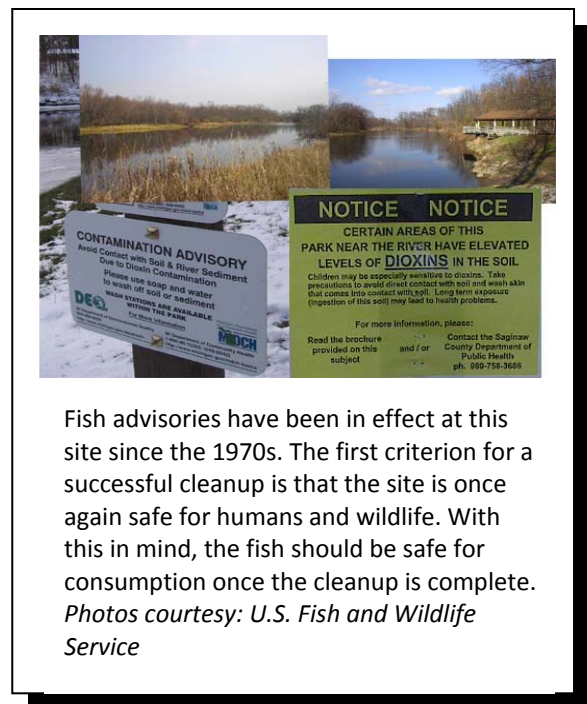
This factsheet is provided by EPA's Technical Assistance Services for Communities (TASC) program, which is implemented by independent technical and environmental consultants. It is a resource for communities living adjacent to or near the Tittabawassee River, the Saginaw River and the Saginaw Bay to inform them of the agreement between Dow Chemical, the United States Environmental Protection Agency (EPA) and the Michigan Department of Environmental Quality (MDEQ) to clean up hazardous waste that contaminates these waterways. The information contained in this factsheet is meant to provide insight into issues of community concern brought about by the current draft of the AOC. EPA has posted a separate factsheet on its Web site explaining the history of this site and the development of the AOC.

Introduction

The Administrative Order on Consent (AOC) is the legal document that establishes the various steps required to perform a cleanup of the floodplains, riverbed sediments and channel banks of the Tittabawassee River, the Saginaw River and the Saginaw Bay. The AOC also divides the specific responsibilities and tasks of the cleanup effort between Dow (the Responsible Party, or polluter), EPA and MDEQ. The document is available at: <http://www.epa.gov/region5/sites/dowchemical/index.htm>. The cleanup is guided by many federal and state regulations, with the overall objective of protecting public health, welfare and the environment. With that in mind, the following is a list of concerns that pertain to the AOC as it is currently written. A Final AOC that accounts for these concerns will ensure that the cleanup is not only effective, but also expedient, further supporting the goal of protecting the community and restoring the cultural, economic and recreational value of the waterways.

Issues of Concern

- **Cleanup control:** Under the proposed AOC, Dow will have control over designing the investigation



Fish advisories have been in effect at this site since the 1970s. The first criterion for a successful cleanup is that the site is once again safe for humans and wildlife. With this in mind, the fish should be safe for consumption once the cleanup is complete. *Photos courtesy: U.S. Fish and Wildlife Service*

and the cleanup, with EPA approval. An alternative is that EPA could take responsibility for the initial investigation and then be reimbursed by Dow. EPA could hire contractors to conduct all of the preliminary investigations to gather data, decide if any areas require immediate soil removal and develop remedial alternatives. Dow could then step in and finish the cleanup.

- **Source control:** The AOC does not mention how the sources of contamination will be identified and stopped. Unless the agencies and Dow clarify an approach to source control, the cleanup efforts may be undermined by additional pollution. At similar sites across the United States, EPA and state agencies have shared this responsibility. At this site, EPA could perform work for the in-water contamination, and the state could take responsibility for source control.
- **Cumulative risk:** There is no consideration for assessing the long-term risks associated with exposure to multiple chemicals (over 200 identified at this site). Living in close proximity to this site increases the exposure of community members to these chemicals over time.
- **Document attachments:** The document provides several exhibits and attachments that do not have proper titles and appear over-complicated while at the same time providing very little information. To make these valuable references more user-

friendly, the maps should include more detail including street names, spelling out acronyms, and clearly defining areas designated as Exposure Units.

- **Public involvement:** The document does not describe how technical information will be made public and how the public will regularly be involved. Given the relationship between the community and Dow, the Technical Assistance Plan described in the AOC may be an inappropriate mechanism for meaningful community involvement. The formation of a Citizen Advisory Group may be a better means of representing community interests.
- **Community involvement plan:** The AOC explains that EPA, in consultation with MDEQ, will develop a community involvement plan. The document does not, however, leave room for community input during the development and implementation of this plan.

Interested in Giving Your Opinion?



Public comments on the Administrative Order on Consent can be delivered as follows by Thursday, December 17, 2009:

On the Web:

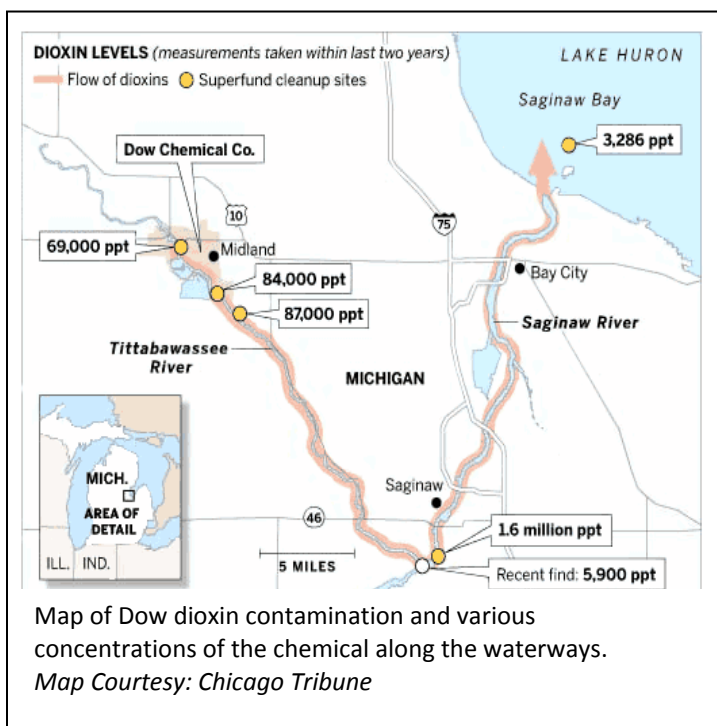
<http://www.epa.gov/region5/publiccomment/>

By e-mail: krause.patricia@epa.gov

By fax: (312) 697-2568

By mail: Patricia Krause
Superfund Division (SI-7J)
U.S. EPA Region 5
77 W. Jackson Blvd.
Chicago, IL 60604

Comments may also be delivered in-person at the Thursday, November 5, 2009 public meeting.



Information developed by TASC for this site will be posted for public viewing at:
<http://estewards.com/>