



Question and Answer Document

Proposal for Cleanup of Midland Area Soils

This Question and Answer document (Q&A) was prepared by the Michigan Department of Environmental Quality (DEQ) to provide Midland area residents and other interested parties with information about the steps that Dow is proposing to be taken to address dioxin contamination in the city of Midland. Please note that this Q&A document will change as the DEQ conducts a formal review of Dow's Work Plan and responds to public comment.

Background Information

In February of 2012, the DEQ announced having reached agreement with The Dow Chemical Company (Dow) on a proposed plan to resolve the historic issue of dioxin contamination in city of Midland residential soils.

As part of the proposed resolution, Dow will sample residential properties near Dow's Michigan Operations manufacturing site in Midland for the presence of dioxins. Sampling will determine where remediation (cleanup) may be required.

Dioxins are a family of chemicals comprising 75 different types of dioxin compounds and 135 related compounds called furans. They are unintended by-products of certain industrial processes and also occur due to activities such as backyard burning of household trash.

Dioxin contamination in the city of Midland that is the subject of this proposed plan is the result of airborne emissions from historic waste management practices at Dow. Emissions released into the air from incinerators used in Dow's manufacturing operations contained dioxins, which ended up in the soil downwind of the plant. Dioxin emissions from Dow's Michigan Operations site have decreased dramatically over the years as processes were modernized. Dow's rotary kiln incinerator now enables 99.999 percent efficiency in eliminating chemical emissions.

This Q&A deals only with work being done by Dow to address contamination in Midland area soils for which Dow is responsible and does not address contamination that may be present from other sources.

This Q&A applies to residential and “residential-like” properties, which includes parks, schools, daycare and elder care facilities, and other properties where people may come into contact with and be exposed to soil that may be contaminated with dioxin. This Q&A does not address commercial, industrial, and other types of property with nonresidential uses.

This Q&A does not address contamination in and along the Tittabawassee River. For information related to the Tittabawassee River, Saginaw River, and Saginaw Bay Site, please go to www.epa.gov/region5/cleanup/dowchemical/.

Questions about Why Cleanup is Necessary

1. Why is soil sampling and cleanup being conducted?

Soil samples collected in the city of Midland indicate that, in some locations, there is dioxin contamination above the state’s generic residential cleanup level and possibly above the proposed site-specific cleanup level of 250 parts per trillion (ppt) for residential properties in the city of Midland. Dow needs to take additional soil samples so that they can be tested in a laboratory to determine if there is dioxin on individual residential properties above the proposed Midland site-specific cleanup level of 250 ppt. This site-specific cleanup level will be used as an action level to trigger cleanup activities. This sampling effort is referred to as the remediation design because it will be used to identify where Dow must carry out remediation activities, meaning the cleanup.

2. Are there other chemicals besides dioxins and furans to be concerned about?

The data from soil samples that have been collected in the city of Midland in the past have been carefully evaluated. The DEQ has determined that any other soil contamination in the Midland community that is attributable to Dow’s historical waste management practices will be addressed when dioxin contamination above the Midland site-specific action level of 250 ppt is removed. Other contaminants, such as arsenic, can be found in the same places as dioxin, which is why removing soil to address dioxin will also be likely to remove other substances found in soil at the same location.

3. Why is this being done now? Why has this taken so long?

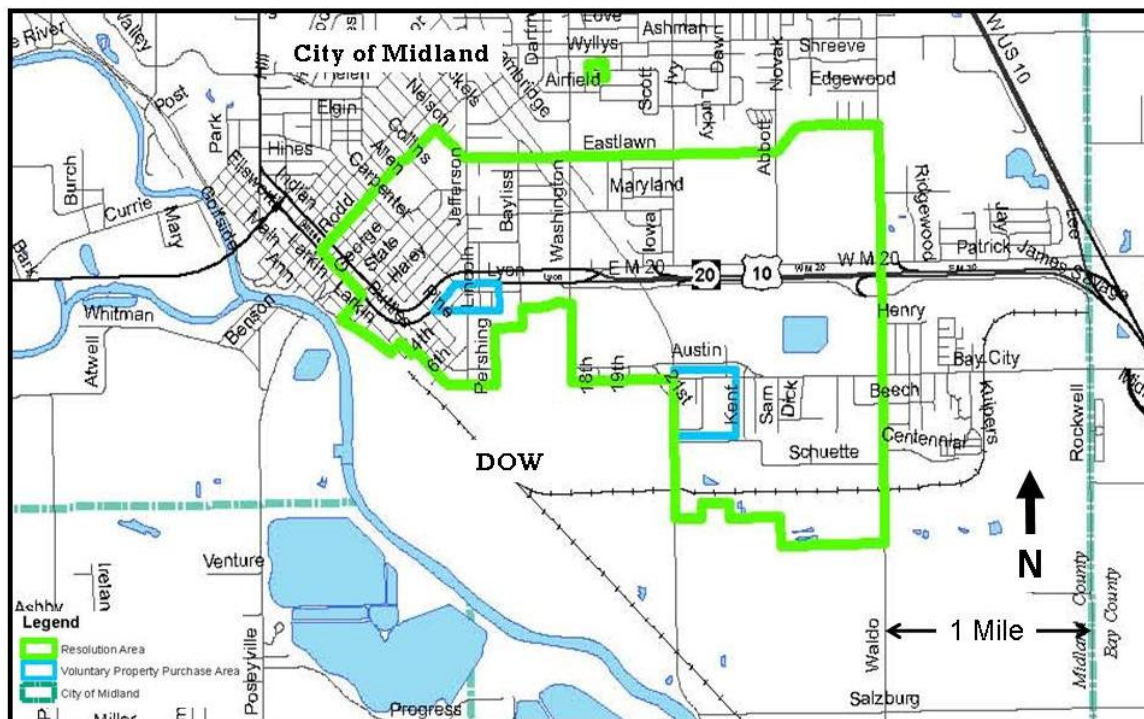
- Dow and the DEQ have worked very hard to reach an agreement on the components of a cleanup plan to assure that contamination caused by Dow's historical waste management activities will be dealt with in the city of Midland in a way that protects the public health and the interests of property owners.
- Scientific studies have been conducted by Dow to gather information that allows for an assessment of other potential contaminants released by Dow, the depth of contamination, and the type of soil sampling that will be appropriate for remediation design sampling of residential properties.
- Dow and the DEQ evaluated the scientific information available for developing a site-specific action level/cleanup level of 250 ppt for dioxin that will apply to soil on residential properties in Midland.
- Changes to the state cleanup law, known as "Part 201," that were made in December 2010 were key to reaching a conceptual agreement between Dow and the DEQ on how to move forward with soil sampling and cleanup.
- The DEQ's focus now is on working with Dow and the residents of Midland on finalizing and implementing the Work Plan.

Questions about Where Soil Sampling and Cleanup Will Happen**4. Where will the sampling and cleanup happen?**

- The area where remediation design sampling will occur starts near the boundary of the Dow Michigan Operations site on the south, extends to the north as far as Eastlawn Drive, as far west as Rodd Street, and as far east as Waldo Road.
- A smaller area to the southeast of the intersection of Washington and Ashman Streets will also be sampled.
- Figure 1, below, is a map showing the initial investigation areas.
- The "footprint" of these areas will be refined as the remediation design sampling program is implemented and more sampling information becomes available. If the remediation design sampling shows that a larger area must be sampled to identify areas that exceed the site-specific action level of 250 ppt, the initial sampling area will be expanded.

- Sampling will generally begin in areas closest to Dow's Michigan Operations site and move out from there in phases.
- The area where cleanup activities will be undertaken is referred to as the Resolution Area – the area where actions will be taken to resolve the historic issue of dioxin contamination in city of Midland residential soils.

FIGURE 1 - Initial Boundary of Midland Soils Resolution Area



5. How was the initial remediation design sampling boundary for the Resolution Area selected?

The first area where remediation design sampling will happen was determined based on existing soil sampling data. As more soil data are collected and a better understanding of the areas where there is dioxin in soil in excess of the 250 ppt site-specific action level is developed, it is expected that the boundary of the area where remediation design sampling occurs will change.

6. If I live in the remediation design sampling area does that mean my property needs to be cleaned up?

Not necessarily. The need for cleanup will be determined based on the results of the remediation design sampling. If the sampling results from your property show dioxin is

not present above the 250 ppt site-specific action level, it is not necessary for cleanup to be done on your property.

7. If my property is outside of the Resolution Area where remediation design sampling is done, is my soil safe?

- Yes. After remediation design sampling is complete, a final boundary for the Resolution Area will be drawn to identify properties needing cleanup. Properties outside that boundary are not believed to be contaminated by Dow's activities.
- The cleanup being done by Dow is required to address only the contamination that it caused. If you know that there is contamination on your property from another source, you must still take appropriate actions.

8. I have a park behind my house that we use like our backyard. Will it get cleaned up, too?

Parks and schools will be sampled and the cleanup will be implemented in the same manner as for residential homes in the neighborhood (all of the same requirements apply, including the 250 ppt site-specific action level).

9. Why did I get a letter stating that my property needs to be cleaned up, but the letter my neighbors got said their property did not need cleanup? Does the amount of contamination vary that much from one property to another?

- Property owners who participate in the soil sampling process will receive the results of remediation design sampling by mail so that they know if cleanup work is needed on their property. It is possible that adjacent or nearby properties will show different results, so not all properties in a neighborhood that undergo soil sampling may require cleanup. Each property owner will have the opportunity to speak with representatives from the DEQ and Dow about their own sampling results. Data that have been gathered in the past shows that there is a significant amount of variation in the levels of dioxin contamination from property to property. This variation is one reason why it is necessary to conduct soil sampling to determine if and where cleanup is needed. The amount of dioxin contamination that is found through remediation design sampling will depend on many factors, such as how much the surface of the land has been disturbed in the past. Disturbing the land surface may

have removed contamination or mixed contamination in with deeper soils, which can result in lower dioxin levels being present in the current surface soils.

10. Will my property get cleaned up if the results for my property are close to, but not over the 250 ppt site-specific action level?

Cleanup activities will not be conducted on properties where test results show dioxin levels in soil samples below the 250 ppt site-specific action level. However, this decision will be made in a way that allows Dow and the DEQ to be very confident that concentrations of dioxin on the property are below the site-specific action level of 250 ppt. The process will allow us to say that we are at least 95% sure, based on statistical evaluation of the data, that the site-specific action level is not exceeded.

11. Can I opt to have my property cleaned up even if it is not selected for cleanup as a result of the remediation design sampling process?

Yes, but you would have to arrange for your own contractors and do the work at your own expense. If the remediation design sampling does not show that the site-specific action level is exceeded on your property then cleanup work is not necessary for your property.

12. What if contamination related to Dow is found at a later date outside of the area that is determined to need cleanup based on this remediation design sampling work?

Sampling and cleanup activities would be conducted in the same manner as outlined in the Work Plan. Soil sampling would be done followed by any necessary cleanup work.

**Questions about the Site-specific Action Level/Cleanup Level –
How Clean is Clean?**

13. What is the site-specific action level? Why is it different from the 90 ppt cleanup level that has been talked about in the past?

- The proposed site-specific action level for dioxins and furans in the city of Midland is 250 ppt. This Midland site-specific action level was developed through coordination

between the DEQ and Dow. The site-specific action level is a trigger for cleanup actions and is a site-specific cleanup criterion under Michigan law.

- Dow's Hazardous Waste Management Facility Operating License and Michigan law allow for the calculation of a site-specific cleanup level to be used in place of a state-wide generic cleanup level, which is why the 250 ppt site-specific action level can be adopted just for this cleanup in the city of Midland.
- The site-specific cleanup level incorporates data from the Midland area into the calculation of the cleanup level, replacing some of the standard assumptions with data about exposure to dioxin in soil taken from scientific studies related to Midland soils. These site-specific assumptions are more accurate for Midland than the standard assumptions used to calculate generic cleanup levels, which have to cover many different situations in order to apply across the entire state.

14. Why is Dow digging up 12 inches of soil? Is that enough to be sure that the contamination is removed?

In the past couple years, Dow and the DEQ have worked together to collect scientific data regarding how deep dioxin is found in the soil. Dow has taken many soil samples at different depths in 12 areas near Dow's Michigan Operations site. Based on the results of those samples, the DEQ was able to determine that the contamination above the 250 ppt site-specific action level is limited to the top 12 inches of soil. Consequently, the DEQ and Dow determined that, for areas where dioxin is higher than 250 ppt, the top 12 inches of soil would have to be removed to protect the public health.

15. Will samples be taken to confirm that soil left after cleanup is at or below 250 ppt?

No. Based on the information from many samples that have been taken in the past, we can be highly confident that contamination is not likely to be present below 12 inches. It is not necessary to do confirmation sampling on each property.

16. If my property was sampled and does not need cleanup, is the soil safe?

- Yes, the soil is safe for residential use in the city of Midland.
- The cleanup being done by Dow is required to address only the contamination that it caused. If you know that there is contamination on your property from another source, you must still take appropriate actions.

Questions about the Cleanup Process – What Will Happen and Who Will Decide?

17. Why should I participate in the remediation design sampling and cleanup program?

By participating in the remediation design sampling program, you will know whether your property meets the Midland site-specific action level. If the design data from your property shows that concentrations are higher than the site-specific action level of 250 ppt of dioxin, then your property is eligible to be cleaned up at Dow's expense. The remediation will result in your property being cleaned up to remove contamination that is above the site-specific action level of 250 ppt for dioxin. Allowing the remediation design sampling and cleanup to proceed will protect you and your family from risks of being exposed to dioxin in soil and will also eliminate other obligations you would otherwise have under state environmental laws. (See Q&A #48 and #50)

18. If my property needs to be cleaned up, who will decide exactly what work is done?

Dow will be required to remove a minimum of 12 inches of soil from your property, with exceptions for soil that is very close to buildings, mature trees, or other structures and permanent features. Dow will be responsible for working directly with property owners to determine the details of how the work will be accomplished, what restoration work will be done at each property, and so forth. The DEQ has included examples of some common situations in this Q&A (see Questions #26 through #45). However, there are many things that will need to be considered in developing the plans for individual properties so it is not possible to address all of the potential issues in this Q&A. If property that you own needs to be cleaned up, you should plan to discuss your questions and concerns with the Dow representatives.

19. When will the work be done? When is my property scheduled for sampling and possible cleanup?

- Dow's Work Plan for the design and remediation work will include a detailed schedule. Once approved, this Work Plan will be the outline that will be followed for soil sampling and cleanup activities.
- Soil sampling activities are expected to begin in June 2012. Cleanup activities will be completed in the same year that soil sampling is conducted. As a result,

properties that are sampled in 2012 will be cleaned up in 2012; properties that are sampled in 2013 will be cleaned up in 2013, etc. It is expected that it may take up to six years for soil sampling and cleanup activities to be finished in the entire Resolution Area (although the work could be completed sooner).

- The schedule being developed will go neighborhood by neighborhood in a systematic fashion, generally addressing properties closest to Dow's Michigan Operations site first. These areas are expected to have higher levels of contamination than properties further from the Michigan Operations site. The schedule is designed to get cleanup done on the properties with the highest levels of dioxin first.
- Some of the properties that are closest to the Dow site had "early actions" conducted in 2005 and 2006 to reduce the potential for the exposure of residents to contamination. These properties are scheduled to be subject to soil sampling and cleanup during 2013, the second year of the cleanup plan.
- A Web site is being developed by Dow that will allow residents to see the areas that are scheduled for sampling and cleanup and to track progress on a neighborhood-by-neighborhood basis.

20. How will communication and coordination with property owners work?

- The soil sampling and cleanup will be done through Dow and its contractor work force. Property owners will be contacted individually so that Dow can explain the soil sampling protocol and ask property owners to agree to allow access to conduct the soil sampling. Once soil sampling is complete, the results of laboratory testing of the soil samples will be communicated by Dow to property owners. If the laboratory test results show that the soil taken from the property has dioxin that is higher than the 250 ppt site-specific action level, Dow will discuss necessary cleanup actions with the property owner and request the property owner's consent for access to do that cleanup work.
- Dow has established a Web site where residents can get information and ask questions. You can find the Web site at www.midlandresolution.com. In addition, Dow has opened the Midland Resolution Center office at 1008 Jefferson Avenue, Midland. Dow invites people who have questions to drop in at the Resolution Center during business hours or contact them by telephone at (989) 638-7002 or toll free at (888) 778-2306.

- More information about the cleanup process and the proposed Work Plan can be found at www.midlandresolution.com and www.michigan.gov/deqdioxin or by contacting Mr. Al Taylor, Resource Management Division, DEQ, at 517-335-4799 or taylora@michigan.gov.

21. How will property owners get the results from remediation design sampling that is done on their property? Will someone be available to explain the result?

Yes, the result of the remediation design sampling will be available in a report that will be mailed to the property owner by Dow within approximately one month after the remediation design sampling is done. Dow will submit the remediation design sampling results to the DEQ at the same time that they are sent to the property owner. Dow will schedule meetings with the owner of any residential or residential-like property where laboratory tests indicate that there is more than 250 ppt of dioxin found in soil samples (higher than the site-specific action level) so that they can discuss cleanup activities with the property owner. The DEQ and Dow will be available to answer any questions the property owner has about the result of the remediation design sampling.

22. I live in a home that I rent. Will Dow provide me with the remediation design sampling data and information about cleanup plans? Does my landlord have to have my permission to let Dow onto the property for sampling and/or cleanup?

Information about the results of the remediation design sampling will be provided to property owners, not tenants or other property occupants. It is the responsibility of the property owner to communicate with tenants and lessees about the soil sampling results and make sure that tenants and lessees know that they have given permission for Dow to do the sampling and/or cleanup work. The DEQ encourages property owners to share this important information with tenants and lessees. Since the terms of rental and lease agreements vary greatly, the DEQ cannot answer questions about whether your landlord needs your permission for work to be done. You should review your rental/lease agreement to determine whether the property owner must communicate with you about this issue.

Renters, lessees, and others will be able to get general information about the cleanup process and schedule on the Web site that Dow has set up to provide the public with information about the progress of its work. The Web site is www.midlandresolution.com.

23. Can I have the remediation design sampling or cleanup work done earlier than the schedule calls for? (e.g., I am in the process of selling my house.) What if I don't want to have the work done now? Can the work be done later? Will Dow pay for the work being done later?

- No, work will not be performed earlier than it is scheduled. In 2012, Dow has proposed to sample and clean up approximately 100 properties. Sampling of other properties will follow the sequence established in the schedule for soil sampling and cleanup. Soil sampling and cleanup activities will go neighborhood-by-neighborhood in a systematic fashion.
- Soil sampling and any necessary cleanup work will only be conducted with express consent from the property owner. If the property owner chooses not to have work done when it is proposed, Dow will put money into a fund that will be available so that the work can be done at a later date at Dow's expense.

24. Who is paying for the work?

Dow is required to conduct cleanup and restoration work at its expense. Property owners are not being asked to pay the cost of cleaning up or restoring properties that have been cleaned up as part of this project.

25. Will local contractors be hired?

The DEQ understands that Dow intends to hire as many local contractors as possible to complete this work.

**Questions about the Cleanup Work and How It Will Affect
Owners/Residents**

26. If my property needs to be cleaned up, will it be returned to the same or better condition?

Yes. Dow has committed to restore all properties where it conducts a cleanup.

27. Will I have to move out of my home during the work? Will Dow pay for me to move out of my home during the cleanup if I want to?

No. Dow has told the DEQ that it intends to make this as easy as possible for all property owners and occupants so that no one will need to move out of their homes during the remediation design soil sampling and cleanup process.

28. How long will it take to get my yard cleaned up once work begins?

Dow has committed to work safely and quickly to complete the cleanup activities that need to occur and to return your property to its normal state. It is not possible to give a specific time period since the time required will depend on how extensive the cleanup and restoration work is, how large the property is, and so forth. However, soil sampling work can begin as early as April of each year except 2012, when sampling will begin around June 1. Any necessary cleanup will be completed during the same construction season (generally no later than October 15) that year. For example, a property that is sampled in 2012 and determined to need cleanup, will be cleaned up by October 15, 2012.

29. What happens after the cleanup work is done?

- Dow will provide follow-up care to assure that plants and grass get properly established.
- The DEQ will provide each property owner with follow-up correspondence that confirms that contamination related to Dow has been cleaned up and the property owner does not have additional obligations with respect to that contamination.

30. When soil is removed, what will it be replaced with?

Dow will place clean soil and plant grass in areas that are disturbed as part of the cleanup. Dow will also replace other vegetation including flowers and shrubs that are removed as part of this work.

31. How do I know that the soil Dow is putting on my property is clean (uncontaminated)?

The soil will be tested prior to use.

32. Where will the contaminated soil go?

Soil removed as part of cleanup activities will be taken to Dow's industrially-zoned Michigan Operations site and used as fill dirt, if possible. The soil that is used on Dow's property will be covered so that it does not erode. Soil not used on the Dow Michigan Operations site will be disposed of in the city of Midland landfill.

33. How close to my house and sidewalks will Dow be digging during the cleanup?

Typically, digging will be at least one foot away from or angled away from existing structures or features so that they are protected. The cleanup plan for a particular property will depend on property-specific circumstances and will be reviewed with the property owner.

34. I have big flower garden in my yard. Will Dow replace all of my plants?

Yes, if your property requires cleanup. A cleanup plan specific to each property will be developed and reviewed with the property owner. Dow will work to protect unique or ornamental features to the extent possible.

35. I have a very large old tree in my yard – will it get destroyed? Will Dow replace my trees?

Dow's Work Plan calls for conducting the work in a manner to preserve mature trees. A cleanup plan specific to each property will be developed and reviewed with the property owner. Dow will work to protect unique or ornamental features to the extent possible.

36. Will Dow water the new lawns and plants to make sure they get established?**What will be done if soil is being removed from a property where there is an in-ground sprinkler system already in place?**

Dow is committed to returning yards to their pre-cleanup condition, as much as possible. This may require irrigating grass and other vegetation. Dow will provide the equipment, materials, and labor to accomplish this task. Existing irrigation systems will be restored as part of this process.

37. Who pays for watering the lawn and new plants after a cleanup?

Dow will pay for watering the lawn and new plants that are replaced. The specific way(s) in which this will be done has not yet been determined. The cost of watering the lawn and new plants will be covered by Dow until vegetation is re-established.

38. Will Dow move fences as part of the cleanup?

No. Typically, digging will stop at least one foot away from existing fences and similar structures to protect them from damage. The cleanup plan for a particular property will depend on property-specific circumstances and will be reviewed with the property owner. The small amount of contaminated soil that may be left adjacent to fences, porches, and other structures will not result in significant exposure to dioxin.

39. Will Dow be digging under my porch/deck during the cleanup?

No. It is unlikely that significant exposure will occur to soil that is under decks and/or porches, so it is not necessary to remove that soil.

40. Is Dow going to excavate my paved or concrete driveway or sidewalk?

No. Soil is generally removed before pavement or concrete is placed, so it is not necessary to tear up existing paved surfaces to remove the underlying soil.

41. What if I have a gravel or unpaved driveway?

If the property requires cleanup, unpaved driveways will be removed and replaced with similar material.

42. Where can I park during this work?

If work affects parking, Dow will make arrangements for parking and will inform the affected residents about where they can park.

43. Will this work disrupt mail delivery, package delivery, water, electric, sewer, cable television, telephone, or other services at my property?

Dow has committed to doing the work in a way that is minimally disruptive. Dow will contact MISS DIG before work begins in order to identify utilities that need to be protected. We do not expect that there will be an impact on services at your property.

44. Do I have to have insurance to cover any injuries to workers or damage that could happen during the sampling and/or cleanup work?

No, you do not need to have insurance in connection with the sampling and/or cleanup work. Dow will provide all necessary insurance to address injuries or damage caused by sampling and/or cleanup work.

45. How will this work affect birds and wildlife that visit my yard?

While the work will disturb the surface of your yard and some noise will be associated with the work, we expect that any effects on birds or wildlife will be temporary and that they will resume visiting your yard when the work is complete. If you know of a wildlife nest on your property, you can identify it to Dow when you discuss the cleanup plan. It is possible that the work can go on around the nest rather than destroying it, while still providing a cleanup that is protective.

46. My property is next door to a property where a cleanup is being performed. Will cleanup on that property contaminate my property? Is it safe for me to be there during work?

Cleanup work will not contaminate other properties. Dow has expressed a commitment to doing all work as safely and as efficiently as possible to make this as easy as possible on all property owners, residents, and their neighbors. Property owners and other residents will not need to leave their homes while work is underway. The DEQ will periodically audit the work being conducted by Dow to ensure that the work is being performed in an appropriate manner.

Questions about Giving Access for Work to be Done, Property Restrictions, and Disclosing Information about Contamination or Cleanup

47. If I give Dow access to my property to do the remediation design sampling does Dow automatically get access to do cleanup work?

No. Dow will obtain access to private property for remediation design sampling separately from the access it requests for cleanup work. Giving Dow access for remediation design sampling does not commit you to allowing Dow to do cleanup work on your property. The DEQ encourages property owners to provide reasonable cooperation to Dow for the work that it will be doing.

48. What happens if I don't grant consent for property access? Will I be forced by the government to have my yard cleaned up?

No. Dow will only conduct dioxin cleanup work on property where the owner agrees to allow the work. If soil sampling shows that your property needs cleanup and you do not give Dow permission to do the cleanup, Dow will put money into a fund that will be available to do the cleanup work in the future. However, if the remediation design sampling data show that cleanup work is needed and you decline to allow Dow to do that work you will have other obligations concerning the dioxin found on your property.

Those obligations include:

- Disclosure about contamination: The state law that regulates contaminated property (known as Part 201) requires that you disclose information about the contamination to any person to whom you are transferring an interest in the property (e.g., if you are selling, renting, getting a mortgage).
- "Due care" obligations: Part 201 requires that you not do anything that will make it more expensive or more difficult for Dow to clean up the contamination at a later date, or that will cause the contamination to migrate off your property. These restrictions are referred to as "preventing exacerbation." Part 201 also requires that you provide reasonable cooperation to someone who is conducting cleanup work and comply with and not impede any use restrictions that are put in place to address contamination.

You should be sure that you understand these responsibilities if you decide not to allow Dow to do the cleanup work.

49. Will there be any restrictions on the use of my property after the cleanup is completed?

No. Restrictions are not necessary once the contaminated soil is removed. In addition, your property will not be a “facility,” a term used in the state law that governs cleanups to refer to property that is contaminated. These answers deal only with contamination that was related to releases from Dow. If your property has restrictions in place to deal with contamination from other sources, those restrictions will need to remain in place.

50. Will there be any restrictions on my property if I don't allow access for sampling?

- The DEQ encourages all property owners within the remediation area to participate in the sampling/remediation program.
- No restrictions will apply to your property if you do not have information indicating that your property is contaminated.
- Dow will retain an obligation to conduct investigation and any necessary remediation of your property related to any contamination it may have caused on your property.
- If you sell or otherwise transfer an interest in your property, and you are aware of environmental contamination on the property, you may be required by real estate laws to disclose that information and that Dow has a continuing obligation to investigate the conditions of your property to determine the need for a cleanup.

51. How does the cleanup affect my property value?

The DEQ cannot provide specific information about property values. However, it is reasonable to conclude that having cleanup work done will improve property values because it reduces/eliminates any uncertainty about whether the property is contaminated by Dow activities.

52. If I allow sampling on my property and the results are above the 250 ppt site-specific action level, do I have to disclose that information if I sell the property before remediation is done?

Yes. The state law that governs environmental cleanup (Part 201) requires that a person “who has knowledge that their property is a facility” must disclose information about the general nature and extent of contamination. If you have received information about soil sampling that shows dioxin concentrations in soil on your property are above the site-specific action level of 250 ppt, you must disclose that information to a prospective purchaser or other person to whom you are transferring an interest in your property, such as lessee or a mortgage lender.

53. If I allow sampling on my property and the results are above 250 ppt, do I have to disclose that information if I sell the property after remediation is done?

No. You may want to disclose that your property was part of the cleanup to resolve any questions that the buyer may have about potential contamination the property. However, if your property is cleaned up, it is no longer a “facility” and the disclosure requirements of Part 201 do not apply. You only have to make a disclosure if you know that your property is contaminated at the time you sell it or transfer an interest in it.

54. Is my property a “facility” if it is in the remediation design sampling area but it has not been sampled?

No, unless you have knowledge that your property is contaminated by a source other than Dow. The cleanup being done by Dow is required to address only the contamination that it caused. If you know that there is contamination on your property from another source, you must still take appropriate actions.

55. Will I get a letter or some type of proof that my yard is no longer contaminated?

Yes. The DEQ will provide you with a letter confirming that the cleanup has been done and that the property is not a “facility” as a result of contamination that was caused by Dow. If the remediation design sampling results indicate that no action is required, the DEQ will also provide you with a letter to that effect. The cleanup being done by Dow is required to address only the contamination that it caused. If you know that there is

contamination on your property from another source, you must still take appropriate actions.

Public Access to Information about Property in the Resolution Area

56. Will the information about sampling results from my property, or my decision whether to allow cleanup work to be done if my property is eligible, be available to the public?

Information about the remediation design sampling and cleanup work schedules will be posted on the Internet in a way that does not provide information about specific parcels. The schedule will be presented for neighborhoods and will not reveal which properties will be sampled or cleaned up. Dow will be required to document the work it has done in reports that it will submit to the DEQ. Those reports will contain property-specific information and will be subject to disclosure if a person makes a request to the DEQ under the Michigan Freedom of Information Act. Examples of information that would be disclosed, if requested, include the address of the property; the name and address of the person to whom the letter was sent; the results of the remediation design sampling; the general nature of the cleanup work that was done (if the property owner gives consent for cleanup); the fact that the property owner declined to have remediation design sampling and/or cleanup work done (if the property owner declined). The specific access forms and the property-specific cleanup plan that is signed by the property owner will not be included in materials submitted by Dow to the DEQ and will not be subject to disclosure through Freedom of Information Act requests.