



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

June 26, 2009

REPLY TO THE ATTENTION OF:

Mail Code SC-6J

SUBJECT TO F.R.E. 408

Mr. Greg Cochran, Director
Michigan Dioxin Initiative
Michigan Operations
The Dow Chemical Company
1790 Building, Washington Street
Midland, Michigan 48674

Re: Tittabawassee River Dioxin Spill Site, Midland, Michigan
The United States Environmental Protection Agency's Response to The Dow
Chemical Company's Good Faith Offer

Dear Mr. Cochran:

Thank you for your letter dated February 13, 2009, responding on behalf of The Dow Chemical Company ("Dow") to the CERCLA Section 122 special notice letter issued on December 15, 2008, by the United States Environmental Protection Agency ("U.S. EPA") concerning conducting or financing the evaluation of current Site conditions and assessments of response options, a remedial investigation and feasibility study and/or engineering evaluation and cost analysis, and remedial design at the Tittabawassee River Dioxin Spill Site located in and along the Tittabawassee and Saginaw Rivers and in Saginaw Bay.

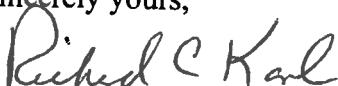
As you know, after Dow sent its February 13, 2009, letter, Administrator Jackson began a review of U.S. EPA's approach to the issues raised by the dioxin contamination of the Saginaw Bay watershed. In order for her review to be meaningful, U.S. EPA placed a hold on the CERCLA discussions among U.S. EPA, Dow, and the Michigan Department of Environmental Quality. The Administrator has completed her review of U.S. EPA's approach, and on May 26, 2009, issued a letter determining (among other things) that a federal-lead CERCLA approach is appropriate.

U.S. EPA has completed its review of Dow's February 13, 2009, letter and its enclosures. This letter informs Dow that its February 13, 2009, letter constitutes a "good faith offer" in that it

provides sufficient basis for further negotiations with the U.S. EPA and an extension to the negotiation moratorium may facilitate a settlement between U.S. EPA and Dow for this Site. U.S. EPA hereby extends the deadline to conclude negotiations for sixty (60) days from the date of this letter, or until August 25, 2009. This deadline may be further extended if the parties are continuing to make progress in their discussions.

If you have any questions concerning this matter, please contact Wendy L. Carney, Superfund Program Manager, at (312) 353-6553 or Jeffrey A. Cahn, Associate Regional Counsel, at (312) 886-6670.

Sincerely yours,



Richard C. Karl, Director
Superfund Division

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