



Tittabawassee River, Saginaw River & Bay Contamination Site

Saginaw Valley State University
June 17, 2009

Negotiations and Transparency

Robert Kaplan
Regional Counsel
EPA Region 5

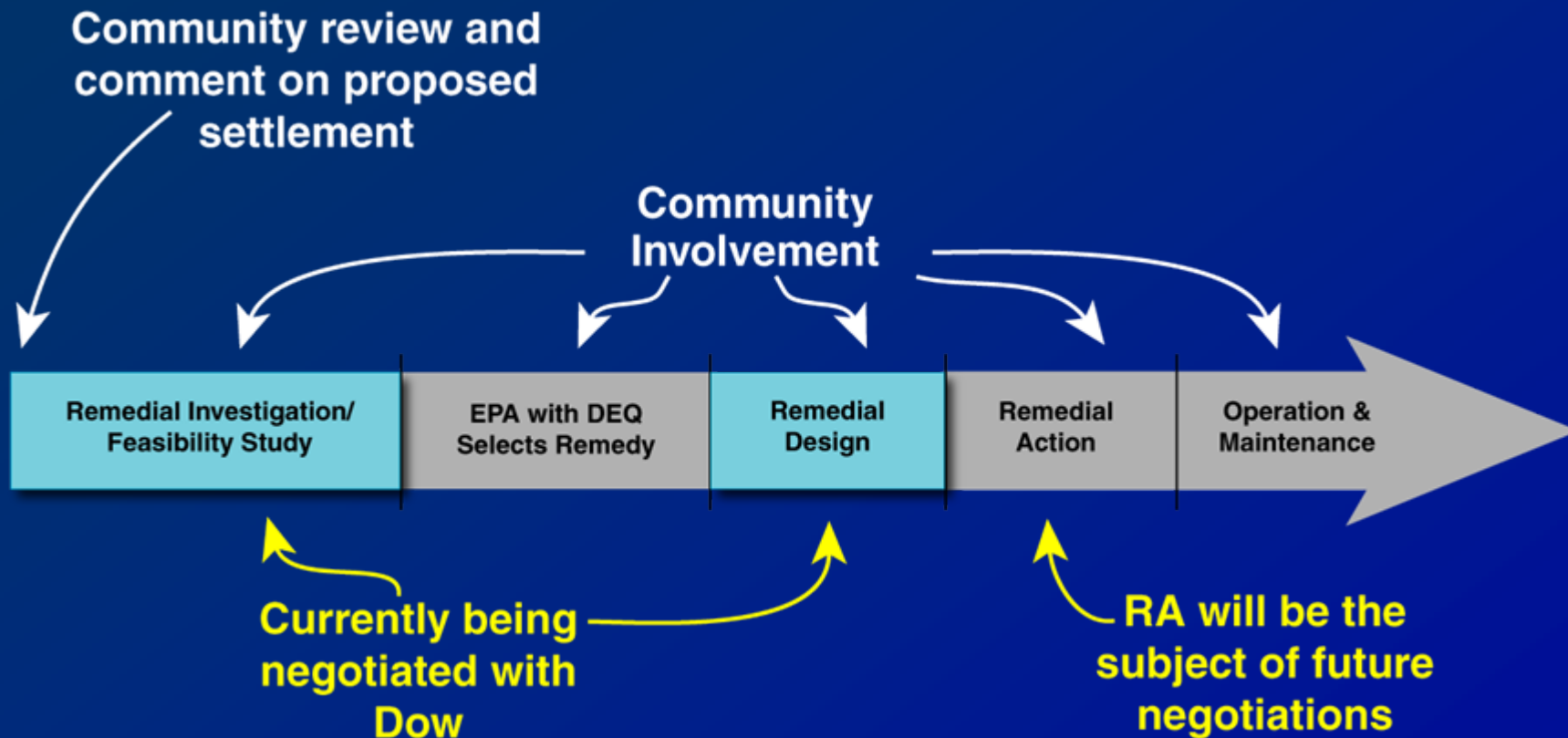


Superfund Order

- Standard Superfund administrative order for remedial investigation and feasibility study work, as well as for design.
- Order includes every usual enforcement tool under the statute:
 - Stipulated penalties
 - Provisions for EPA to take over work
 - Financial assurance to make sure that Dow has the money to pay for the work
 - EPA right to seek listing on the NPL
 - EPA emergency cleanup authority



Superfund Process



Enhanced Transparency

- EPA is committed to enhanced transparency and extensive opportunities for public review and comment.
 - We will make clear the topics for negotiation, and what is not being discussed.
 - You will be able to compare the proposed final agreement to the models and the original proposed draft.
 - We will provide status updates on the negotiations and other developments.
 - EPA won't sign a final agreement until after a robust public review process that hears from all who wish to be heard.



What is not being negotiated...

- Topics that are not being negotiated in this order
 - Cleanup options
 - Cleanup levels



What is not being negotiated...

- Topics that are non-negotiable
 - Geographic extent of the Site
 - Scope of the Work
 - Public comment on any AOC
 - EPA's right to NPL list
 - Evaluating high-use properties along the rivers
 - Evaluating movement of highly contaminated sediments
 - CERCLA Order would not terminate RCRA corrective action obligations



What is being negotiated...

- Topics that are at issue now
 - General order provisions including defining the types of investigations that need to be done
 - How much of the existing information can be used by EPA
 - EPA and MDEQ coordination
 - How to foster consistency in meeting RCRA license and CERCLA obligations
 - Recovery of past and future costs
 - Legal provisions (including dispute resolution, etc.)
 - Enforcement issues (such as stipulated penalty amounts, work takeover provisions, etc.)



Confidentiality

- As in all enforcement matters, these negotiations are subject to confidentiality
- Confidentiality protects the sensitive information that may affect how an enforcement case proceeds.



EPA is committing to
an unprecedented degree of
openness, participation and
communication at this
stage in the process.



Timeline and Milestones

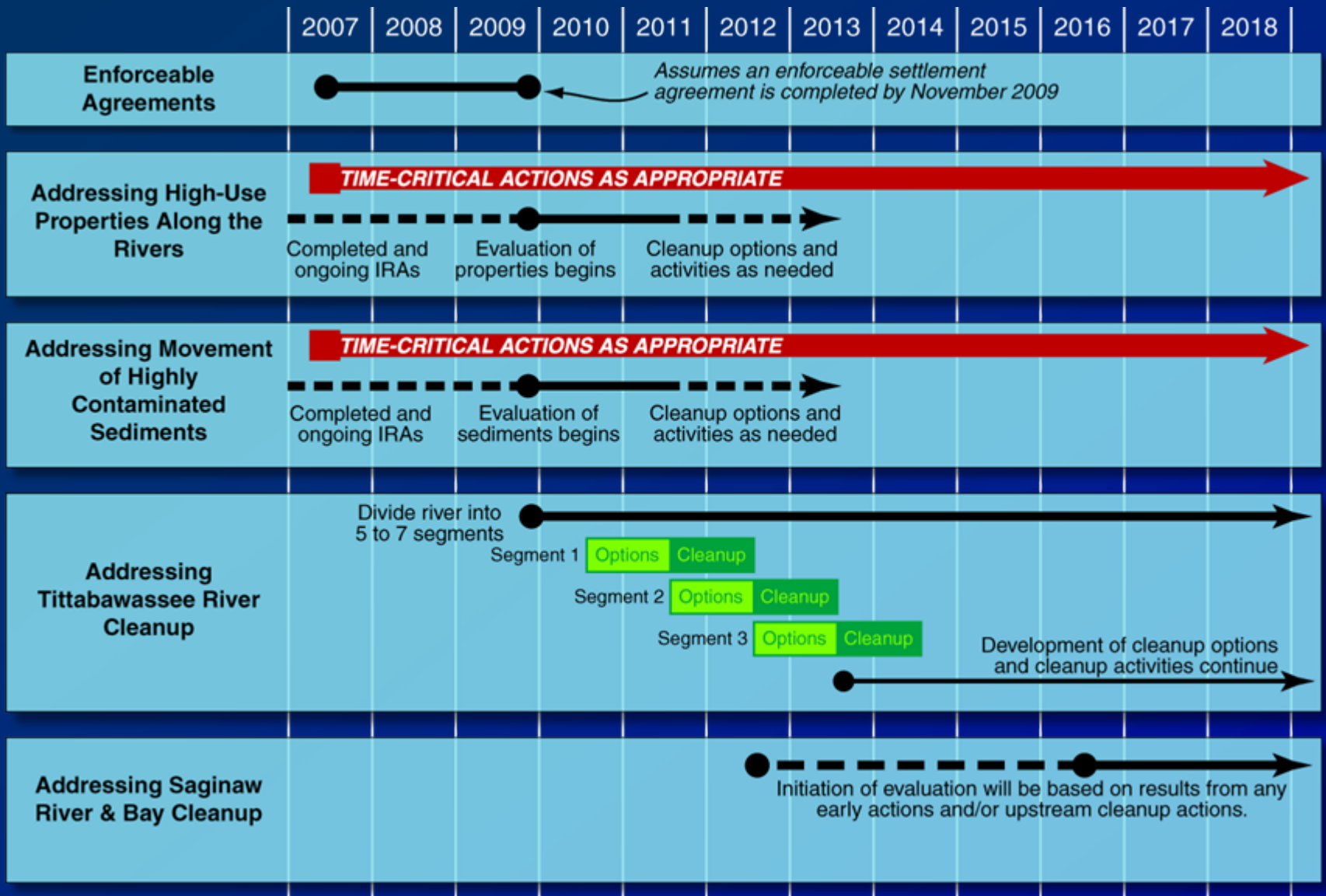
Wendy Carney
Program Manager
Superfund Division
EPA Region 5



Getting to Cleanup Under Superfund

- Goal = protective, comprehensive cleanup
- Not restarting the clock ... building on existing data as well as prior and ongoing cleanup activities
- Critical work includes:
 - Addressing high-use properties along the river
 - Addressing movement of highly contaminated sediments
 - Developing comprehensive cleanup options upstream to downstream
 - Expedite schedule by overlapping work on critical activities





Community Involvement

Rick Karl
Director
Superfund Division
EPA Region 5



Community Involvement Goals

- Use ideas from the community on how they want to participate.
- Provide facts and tools for residents to participate in a meaningful way.
- Seek input from the community throughout the process.
- Use local knowledge to assist decision making.



Community Involvement Enhancements

- **Community Information Office**
 - Opening in the Saginaw County Courthouse on June 23
- **Community Advisory Group**
 - A group of individuals from the community that advise EPA during the various stages of cleanup
 - Group that represents the diverse interests of the community in a balanced way
 - EPA will help facilitate establishment of the group
 - Up-and-running by this fall



Community Involvement Enhancements

- **Technical Assistance**
 - Provide mechanisms that enable the community to obtain information and technical assistance
- **Workshops**
 - Topics such as Superfund process, cleanup technologies, and risks
 - Coming this fall: Superfund 101



Community Involvement Enhancements

- Better use of the Internet
 - Post more information, more quickly
 - Frequently Asked Questions
 - Listserv for e-mail updates
- Public meetings
 - More frequent smaller, less formal gatherings



Community Involvement Enhancements

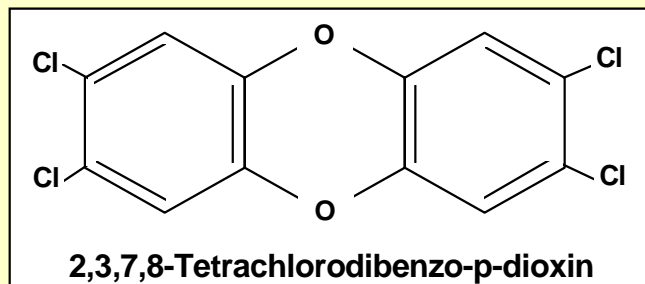
- Site tours
 - Understand technical and regulatory complexities
 - See what's being done at other sites
- Fact Sheets
 - Brief, plain language format
 - Languages other than English as needed
- Kiosks / displays
 - Materials at local businesses and organizations



EPA's Science Plan for Activities Related to Dioxins in the Environment

Public Meeting

Tittabawassee River ~ Saginaw River ~ Saginaw Bay
June 17, 2009



*Peter W. Preuss, Director
National Center for Environmental Assessment
Office of Research and Development*

EPA's Dioxin Science Plan

- ❖ The U.S. Environmental Protection Agency is currently addressing several issues related to dioxins and dioxin-like chemicals in the environment.
- ❖ To move forward with these efforts, EPA Administrator Lisa P. Jackson requested that a clear plan, with definite timelines, be developed.
- ❖ On May 26, 2009, Administrator Jackson announced EPA's science plan for dioxin activities in the agency.

EPA's *Exposure and Human Health Reassessment of 2,3,7,8-Tetrachlorodibenzo-p-Dioxin (TCDD) and Related Compounds*
“DIOXIN REASSESSMENT”

EPA will release a draft report that responds to the recommendations and comments included in the National Academy of Sciences' (NAS) 2006 review of EPA's 2003 draft dioxin reassessment by December 31, 2009.

- *EPA will prepare a limited response to key comments and recommendations in the NAS report*
- *The draft response will be provided for public review and comment and independent external peer review.*
- *The peer review will be conducted by the EPA Science Advisory Board*

DIOXIN REASSESSMENT

EPA will release the final response to comments report and focus on completion of the dioxin reassessment.

- *By the end of 2010, EPA will release the final response to comments report.*
- *By the end of 2010, EPA will complete the final dioxin human health and exposure assessment and release it to the public, subject to further consideration of the science.*

Other Dioxin Related Activities

EPA will review currently available information from a dioxin exposure study by the University of Michigan.

- *EPA's Office of Research and Development (ORD), Region 5, and the Office of Solid Waste and Emergency Response (OSWER) are working together to review a new study of dioxin exposures in the Midland, Michigan area*
- *EPA will determine the relationship of this work to addressing potential risks from dioxin exposure*
- *The review of the study will be completed by September 30, 2009.*

EPA will evaluate information about the basis for dioxin soil clean-up levels.

- *ORD is reviewing information about the basis for state dioxin soil clean-up levels.*
- *ORD will prepare a report for OSWER that includes a survey and evaluation of the clean-up levels in the states*
- *The report will characterize the science that these values are based on, as well as the degree of peer review, if any that was done.*
- *OSWER will announce an updated interim dioxin soil clean-up level to the public by December 31, 2009.*

EPA will release the final report on Dioxin Toxicity Equivalency Factors (TEF).

- *EPA will complete its report entitled, “Recommended Toxicity Equivalency Factors (TEFs) for Human Health Risk Assessments of Dioxin and Dioxin-Like Compounds.”*
- *This document will describe EPA’s updated approach for evaluating the human health risks from exposures to environmental media containing dioxin-like compounds.*
- *This report will be completed and released to the public by December 31, 2009.*

EPA's Science Plan for Activities Related to Dioxins in the Environment

“We are...redoubling our efforts to provide guidance on the science of dioxin health effects to inform cleanup decisions at this site and protect other communities, in Michigan and across the country, facing dioxin contamination.”

*EPA Administrator Jackson
May 26, 2009*