



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

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ENVIR. APPEALS BOARD

June 8, 2007

REPLY TO THE ATTENTION OF:

C-14J

**VIA FEDERAL EXPRESS**

Ms. Eurika Durr, Clerk of the Board  
U.S. Environmental Protection Agency  
Environmental Appeals Board  
1341 G Street N.W., Suite 600  
Washington, D.C. 20005

Re: The Dow Chemical Company, Hanging Rock Plant  
U.S. EPA Identification Number: OHD 039 128 913  
Appeal Number: RCRA 06-01

Dear Ms. Durr:

Enclosed please find an original (signed in blue ink) and five copies of a Status Report in the above referenced matter.

Please feel free to contact me at (312) 353-6181 with any questions.

Sincerely,

Kevin C. Chow  
Associate Regional Counsel

Enclosures

cc: Robert J. Schmidt, Esq.  
Porter, Wright, Morris & Arthur  
41 South High Street  
Columbus, OH 43215

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**BEFORE THE ENVIRONMENTAL APPEALS BOARD**  
**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**  
**WASHINGTON, D.C.**

JUN 11 AM 9:42

ENVIR. APPEALS BOARD

IN RE: )  
)  
THE DOW CHEMICAL COMPANY, )  
HANGING ROCK PLANT )  
Resource Conservation and Recovery Act (RCRA) ) Appeal No. RCRA 06-01  
U.S. EPA ID No. OHD 039 128 913 )  
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**STATUS REPORT**

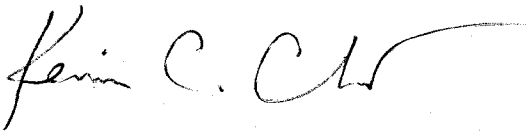
U.S. EPA Region 5 (“the Region”) hereby provides the Environmental Appeals Board (“the Board”) with the status report required by the Board’s Order Granting Third Motion for Extension of Time to File Response in this matter. That Order, dated January 25, 2007, required the Region to provide a status report by April 30, 2007. However, counsel for the Region unfortunately did not remember that deadline and apologizes to the Board for the delay.

The parties are making progress in their efforts to resolve the remaining issues involved in Dow’s appeal. With respect to the disputed feed rates for mercury, chlorine, and particulate matter, and to the risk assessments performed by Dow, the parties engaged in further exchanges of technical information and materials to enable the Region’s risk assessment experts to complete their review. The review was somewhat complicated by various idiosyncracies in the computer models involved, which required the Region to request information and clarification from Dow on several occasions. The Region received information from Dow as recently as May 25, 2007. The Region’s risk assessment experts have made their conclusions, subject only to a few points of clarification which the parties will discuss in the very near future.

With respect to the Solid Waste Management Units ("SWMUs") and Areas of Concern ("AOCs") contested by Dow, the parties have engaged in a number of discussions and correspondence, and as a result, the Region has clarified its requests for information on each of the dozens of SWMUs and AOCs, in an attempt to determine which might be removed from the permit, if any. Due to the scope of the information requested, Dow is still gathering and organizing the material.

If it appears that a full resolution of the appeal or a limitation to the scope of the appeal will not be possible by July 30, 2007, the Region will submit its response to the remaining unresolved contested matters, including relevant portions of the administrative record and a certified index of the entire administrative record.

Respectfully submitted,



Kevin C. Chow (*Authorized to Receive Service*)  
Associate Regional Counsel  
United States Environmental Protection Agency, Region 5  
77 West Jackson Boulevard  
Chicago, Illinois 60604  
Phone: (312) 353-6181; Facsimile: (312) 886-0747

Dated: June 8, 2007

CERTIFICATE OF SERVICE

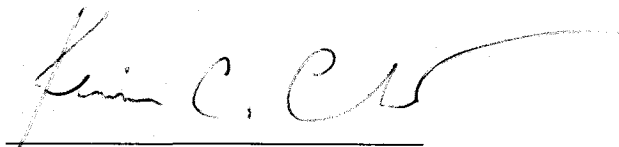
I hereby certify that the foregoing Status Report was sent on this the 8th day of June, 2007, in the following manner to the below addressees:

**By Federal Express:**

U.S. Environmental Protection Agency  
Clerk of the Board  
Environmental Appeals Board  
1341 G Street N.W., Suite 600  
Washington, D.C. 20005

**By fax and first class mail:**

Robert J. Schmidt, Esq.  
Porter, Wright, Morris & Arthur  
41 South High Street  
Columbus, OH 43215  
Facsimile: 614-227-2100



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