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A History Of Protecting The Saginaw River

[Newsletter](#)
[Home](#)

In this issue:

[R.I.](#)
[Lawsuit](#)
[Targets Air,](#)
[Water](#)
[Pollution](#)
[NELC](#)
[Challenges](#)
[Dioxin](#)
[Waste Site](#)
[NELC](#)
[Challenges](#)
[Pacific](#)
[Surimi's](#)
[Discharge](#)
[Permit](#)

A History Of Protecting Saginaw Bay

[Theresa](#)
[Labriola](#)
[Joins NELC](#)
[Staff](#)
[Interview](#)
[With U.S.](#)
[PIRG's](#)
[Anna](#)

Midland, MI—NELC has been working in the Saginaw Bay area for over a decade, starting with a successful Clean Water Act enforcement suit against Dow Chemical Company to address deficiencies in Dow's wastewater treatment system at its manufacturing complex in Midland.

NELC attorneys, representing local residents and Public Interest Research Group in Michigan (the forerunner of Environment Michigan), filed suit in 1995 after discovering that Dow had been discharging illegal amounts of phosphorous and pesticide chemicals into the Tittabawassee River, which flows into the Saginaw River and eventually into Lake Huron's Saginaw Bay.

The suit was resolved by a consent decree in 1997, under which Dow paid a \$1 million penalty (most of which funded local environmental projects) and committed to over \$30 million in upgrades to its antiquated wastewater treatment system.

In 1998, Dow informed NELC that it could not meet a May 2000 deadline in the consent decree to remove and treat on-site the massive quantities of dioxin-contaminated solids that had accumulated in the three large "tertiary treatment" ponds Dow used as part of its wastewater treatment system.

The ponds sit close to the banks of the Tittabawassee, well within the flood plan,

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and high rains could move the solids into the river.

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Litigation
At A
Glance](#)

The solids in the treatment ponds contain high levels of dioxins, a group of chemicals that can be dangerous even at minute concentrations and can persist in the environment for decades.

In July 2001, NELC attorneys, working with a cadre of local and statewide citizen groups, reached a multi-faceted agreement with Dow both to address the risks posed by the historically contaminated treatment ponds, and to discourage the company from creating dioxin wastes in the future.

While this past work has helped reduce Dow's contribution of dioxins to the Saginaw Bay area, Dow's legacy of pollution has contaminated the river sediments for miles downstream of the factory.

This concern has prompted NELC to get involved again—this time in Zilwaukee, MI, to stop a poorly designed and potentially dangerous Army Corps dredging project involving dioxin-contaminated sediments (see page 1).

[Next Article](#) >

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