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January 3, 2005

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VIA ELECTRONIC MAIL AND U.S. MAIL

Information Quality Guidelines Staff
United States Environmental Protection Agency
Mail Code 2811R
1200 Pennsylvania Avenue, N.W.
Washington D.C. 20460

RE: Request for Reconsideration re Combined Quality Assurance Project Plan and General Work Plan Potential Ground-Water Flow Directions and Contaminant Fate and Transport in the Plaquemine Aquifer of Iberville Parish and West Baton Rogue Parish, Louisiana

Dear Sir or Madam:

On behalf of our client, The Dow Chemical Company, we hereby submit for filing a Request for Reconsideration in accordance with EPA's Information Quality Act Guidelines. We appreciate your timely review of this Request for Reconsideration and look forward to your response within the 90-day delay established by EPA guidelines.

Sincerely,

TAYLOR, PORTER, BROOKS & PHILLIPS L.L.P.

Anne J. Crochet

Anne J. Crochet

AJC:
Enclosure

281646v.1

ENVIRONMENTAL PROTECTION AGENCY
INFORMATION QUALITY ACT GUIDELINES

REQUEST FOR RECONSIDERATION

OF THE

COMBINED QUALITY ASSURANCE PROJECT PLAN AND GENERAL WORK PLAN: POTENTIAL GROUND-WATER FLOW DIRECTIONS AND CONTAMINANT FATE AND TRANSPORT IN THE PLAQUEMINE AQUIFER OF IBERVILLE PARISH AND WEST BATON ROUGE PARISH, LOUISIANA

Comes now, THE DOW CHEMICAL COMPANY ("Dow") appearing before the UNITED STATES ENVIRONMENTAL PROTECTION AGENCY ("EPA") for the purpose of requesting that a reconsideration be made regarding the Combined Quality Assurance Project Plan and General Work Plan, referenced above, as follows:

INTRODUCTION

1.

In a letter dated October 6, 2004, EPA denied Dow's Request for Correction dated June 14, 2004 and designated with EPA tracking #04021. (See, Attachment 1, October 6, 2004 EPA Response to Request for Correction.) Dow respectfully disagrees with the denial and seeks reconsideration of the EPA decision denying Dow's Request for Correction.

2.

The June 14, 2004 Request for Correction (#04021) is attached and incorporated herein by reference. (See, Attachment 1.)

REASONS IN SUPPORT OF RECONSIDERATION

3.

In its Response, EPA asserts that the Combined Quality Assurance Project Plan and General Work Plan: Potential Ground-Water Flow Directions and Contaminant Fate and Transport in the Plaquemine Aquifer of Iberville Parish and West Baton Rouge Parish, Louisiana ("QAPP") is not subject to EPA's Guidelines for Ensuring and Maximizing the Quality, Objectivity, Utility, and Integrity of Information Disseminated by the Environmental Protection Agency. Specifically, EPA states that "EPA does not consider this material to be an official agency **dissemination** under the Agency's Information Quality Guidelines." (Emphasis added.) (See, Attachment 2.)

4.

The denial of Dow's Request for Correction is an arbitrary and capricious exercise of discretion by the agency. Stated differently, the assertions made by EPA do not flow rationally from the facts of the situation. The QAPP, as acknowledged by EPA in its October 6, 2004 letter, was disseminated outside of the agency and interagency sharing described in EPA's denial. Specifically, in the October 6, 2004 Response EPA acknowledges,

> . . . A Dow representative and one other person orally requested copies of the document. . . A final version of the QA Project Plan was provided to the Louisiana Department of Environmental Quality (LDEQ) for review and comment. . . .

Dow and other persons are members of the public. LDEQ is a public agency whose records are subject to review under the Public Records Act. (La. R.S. 44:1 *et seq.*) The QAPP is not related to basic agency operations, such as management, personnel and organization information.

Instead, it relates to an agency investigation of significant public interest. (See, Paragraph 7 of Attachment 1.) Though EPA may have intended that the QAPP be an internal EPA planning document, it nonetheless distributed it to members of the public.

CONCLUSION

5.

The October 6, 2004 EPA denial of Dow's Request for Correction should be overturned for the reasons set forth herein. Therefore, Dow respectfully requests EPA's timely and serious consideration of this Request for Reconsideration.

CONTACT INFORMATION

6.

Dow may be contacted through undersigned counsel, Anne J. Crochet, Taylor Porter Brooks & Phillips, L.L.P., Post Office Box 2471, Baton Rouge, Louisiana 70821 or 451 Florida Street, 8th Floor, Baton Rouge, Louisiana 70801. Phone number: (225) 387-3221. Facsimile number: (225) 214-0461. E-mail: anne.crochet@taylorporter.com.

Respectfully Submitted,

TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P.

By: _____

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– CERTIFICATE –

I hereby certify that this Request for Correction was submitted to the United States Environmental Protection Agency on this date by e-mail to quality@epa.gov and by mail to Information Quality Guidelines Staff (Mail Code 281 1R), U. S. EPA, 1200 Pennsylvania Ave., N.W., Washington, D.C. 20460.

This 3 day of January, 2005.

_____
Anne J. Crochet

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