The Departments of Environmental Quality, Attorney General, and Radian International, LLC, have reached a settlement in the case of Mike Cox, Attorney General of the State of Michigan and the Michigan Department of Environmental Quality v Radian International, LLC. Resolution of the alleged violations in the Complaint and the Amended Complaint has been achieved by entering into a Settlement Agreement, accepted by all parties. According to the terms of the Settlement Agreement:

- A settlement in the amount of $520,000 will be paid by Radian to the General Fund of the State of Michigan.
- A settlement amount of $30,000 will be paid by Radian to the DEQ for the costs of surveillance and enforcement.
- The lawsuit will be dismissed with prejudice.

In the First Amended Complaint, filed March 5, 2002, the State of Michigan alleged certain violations of air and waste regulations had occurred while Radian was operating a hazardous waste sludge dredging, drying, and transporting operation for The Dow Chemical Company's Michigan Operations in Midland, Michigan. This settlement agreement with the DEQ and DAG resolves the alleged violations and requires Radian to pay a fine and reimburse the DEQ's costs.

On August 14, 1996, Dow agreed to undertake a management project to remove and incinerate excess contaminated solids that accumulated in its wastewater treatment ponds. The accumulated solids, containing dioxins and furans, were being dredged from the ponds and pumped to a dewatering/drying system operated by Dow's contactor Radian, and then incinerated in Dow's 830 Incinerator. Dioxins and furans are chemicals of concern because they are persistent, bioaccumulative, and toxic at very low concentrations. The DEQ obtained a tip that the solids were being mismanaged at Dow and that there had been numerous discharges of dried solids and fine particulate dust into the air and on the ground since May of 1997. On November 13, 1998, during the execution of a criminal search warrant, DEQ staff observed an accumulation of solids and dust around the outside of the drying facility, in the grass and along the facility access road. In addition, 196 containers of hazardous waste were observed stored in violation of Part 111. Records seized during execution of the criminal search warrant indicated that there had been five separate incidents of potential fire hazards and numerous releases of hazardous wastes at the facility. Radian had failed to notify the DEQ of these incidents as required under Part 111.

On November 19, 1998, Dow and the DEQ entered into a Consent Order requiring the cleanup of all solids around the Radian solids drying operation and the operation was shut down. On April 11, 2002, Dow and the DEQ entered into a second Consent Order to settle alleged incinerator violations.
and claims for reimbursement of costs and penalties stemming from the mishandling of the solids at the Midland facility that resulted in violations of the applicable requirements of Part 55, Air Pollution Control, and Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and its rules.

The criminal search warrant executed in November of 1998 has resulted in a criminal conviction, two Consent Orders with Dow, and the present settlement with Radian. Dow has since obtained a variance from the United States Environmental Protection Agency to allow the solids to be filter-pressed and disposed of in Dow’s Salzburg Landfill. Radian, a subsidiary of URS Corporation with offices in Midland, continues to do business in Michigan.

Editor’s note: DEQ news releases are available on the department’s Internet home page at www.michigan.gov/deq.

Revised July 23, 2003 by Pat Watson