

Unsafe at any Depth

Romulus Residents Fight to Protect Their Community from a Toxic Waste Injection Well

by Andrew Domino

The city of Romulus, like many other Detroit-area communities, has undergone its share of burdens — high-decibel airport noise, fallout from a decaying urban core, and changing attitudes in the automotive industry. But it is unique in dealing with something fewer and fewer cities nationwide have had to face: a deep injection well for hazardous waste.

The well, originally a minor agenda item for the Romulus city council, has grown into a major issue for the community, as a corporate entity squares off against a citizen's rights group, which, while too late to prevent the building of the well, is determined to prevent it from operating. If approved, the well would be the first commercial deep injection well for hazardous waste in Michigan, and the first opened since 1984 in the entire EPA Region 5, which consists of states in the Great Lakes area.

In 1990, four members of the Romulus city council were made aware of a well on the corner of Wahrman and North Line Roads, less than 500 feet from a residential neighborhood. The 4,477-foot well was designed to bury 100 million gallons of liquid waste per year underground, 60 percent of which is hazardous, including chemicals like methanol, acetone and ammonia.

Construction on the well was completed in 1993 when Douglas Wicklund, president of Environmental



Above: This modest neighborhood sits less than a quarter-mile from the proposed Citron Drive injection well. Top right: Debbie Romak is one of the founders and leaders of RECAP (Romulus Environmentalists Care About People), the citizens' group fighting the well proposal. Photo: Mary Beth Doyle

Disposal Systems, Inc. (EDS), the company which built and owns the well, spoke to a group of Romulus residents and said the well did not need the approval of the Romulus city council, even for zoning approval, building permits, and other local matters.

After that, Romulus resident (and now city council member) Debbie Romak and others formed the citizen group Romulus Environmentalists Care About People (RECAP), which has since that time been pitted against EDS over the future of the well, and that of a second proposed well, which would be located on Citron Road near I-94 and Metro Airport. A variety of confrontations have taken place over the past decade, such as discussion of the issue at numerous city



council meetings and public hearings, letters mailed to the citizens of Romulus, and investigations into the financial structure of EDS.

One of the most dramatic occurrences was the 1994 report of a threatening letter mailed to RECAP member R.P. Lilly. He found a box containing a severed head of a bobcat and a letter which said, in part, "We are tired of you wasting our tax money so you can be a slum lord." At the time, Lilly owned three rental houses in Romulus and said he has a right to protect his property against possible damage from the well.

Most recently, the confrontation has been in the courtroom, as two decisions were handed down by a district court. The city of Romulus challenged EDS's right to use the property as a violation of city zoning ordinances. The court slapped an injunction on further use of the Wahrman Road well, but also found that EDS's state and federal permits would override the authority of local land use laws, and allow the company to use the land for waste disposal. For its part, EDS sued the city of Romulus for \$1 million in damages for lost future earnings from the well. On that suit, the court ruled in favor of the city.

"[The Wahrman site] was drilled, and the city gained an injunction on zoning," Romak said. "EDS totally



R.P. Lilly, resident of neighboring Huron Township and another RECAP leader, received a death threat in 1993 for leading the opposition. The police were unable to trace the source of the threat.

Photos: Mary Beth Doyle



Above: This photo of the proposed well site is taken from I-94, between Middlebelt and Inkster Roads. A petroleum tank farm stands to the right, just out of view. Right: The Citrin Drive access to the site.

ignored and refused to obtain the necessary approvals.”

As for the decision against Romulus’ local authority, she said the City will ask for reconsideration or possibly appeal to a higher court. We have spent \$1 million on litigation. If we don’t fight this, there won’t be anything else to fight.”

Soon after the initial injunction, EDS tried to establish a new well site on nearby Citron Drive. Much of the recent debate about injection wells in Romulus focuses on the proposal for the new site.

chosen by the county commissioners.

“The Site Review Board is to determine if this is a good site,” Romak said. “It will look at impacts on the community to determine if the risks are unacceptable.”

The municipal representative is Cameron Priebe, a former mayor of Taylor, and the county’s representative is Wayne County Commissioner Ed Boike. Romak said one concern she has with the Site Review Board is that it is only empowered to make recommendations to the Michigan Department of Environmen-

hazardous waste facility. In 1993, the Board was changed by Gov. John Engler from an independent, decision-making body to one that serves in an advisory capacity to the MDEQ.

Despite its limited scope, the current activation of the Site Review Board over the EDS well proposal will set a precedent for future decisions on siting. (For more information about the Site Review Board, see sidebar, page 22.)

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RECAP has a number of complaints against EDS. Some of the most fundamental have to do with how the site was originally established.

In a 1995 interview with Michigan Community Newspapers, Romak said, “EDS has raped us of our rights,” as the required public notice of the well “was snuck by us in a two square inch ad placed in the Detroit News on June 11 and 18, 1991. The ad only gave a legal description. There was no city name or street address.” The EPA legal notice, Romak said, had only the terms “Section 20, T3S, R9E,” and because it was not written in a form most Romulus residents would understand, “no Romulus citizen knew what was happening.”

A Sept. 1, 1994 letter from EDS to Romulus residents called RECAP’s

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Precedent-Setting Process

Romak said RECAP is currently gathering information about deep injection wells to give to the Site Review Board. The Board is a state-operated committee, made up of technical representatives as well as one representative from the community and one member

tal Quality (MDEQ), as opposed to making any legally binding decisions on its own.

The Site Review Board process was created more than 20 years ago, but has never been used in its current form. It was originally authorized to make decisions on disposal facility siting proposals, not only for toxic waste injection wells, but for any

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actions “hysterical” and called for an out-of-court settlement with RECAP, though the group itself had not brought legal action against EDS.

“Don’t be taken in by their distortions and scare tactics,” the letter reads. “Ask them to back up their claims with solid evidence. They can’t because there is none. Our deep well has already been constructed to EPA and DNR specifications at enormous cost and it will remain under continuous DNR and EPA monitoring to ensure that it operates safely.”

However, in an open letter to residents of Romulus, RECAP listed more than 10 “statements” about the issue, many of which concentrated on the idea that while the injection into the wells can be controlled, physically and financially, “[well operators] do not know, with confidence, where the waste will ultimately go.”

A Greenpeace report entitled “A Shot In The Dark: Underground Injection Of Hazardous Waste” does seem to

22 out of the 172 U.S. injection wells have leaked or suffered holes, and workers detected substantial leakage in well casings in six other situations .

indicate that someone knows where the waste will go.

As of 1989, the U.S. General Accounting Office documented 23 cases of drinking water contamination from deep wells injecting oil and gas wastes. While the Romulus well would not be receiving fossil fuel waste, the substances it would be taking in may also leak from the well and seep into underground aquifers, threatening area drinking water.

At the surface of the well, wastes may leak or spill out, and once inside the well, the waste might leech outward from the piping and from there contaminate surrounding soil or water.

There are many other hazards associated with these wells. According to the Greenpeace report, 22 out of the 172 wells in America have leaked or suffered holes, and workers detected substantial leakage from holes in well casings in six other situations. Greenpeace has stated that “in at least 2 states, deep well injection of hazardous wastes has been linked to multiple earthquakes, caused by elevated pressures and reduced friction over large areas ... Injected wastes have entered groundwater through cracks, fissures, and abandoned oil and gas wells in the U.S.”

In Vickery, Ohio, a deep injection well very similar to the one in Romulus leaked, and the well’s owners recently paid out \$30 million worth of claims to all property holders within five miles of the well.

Need, Health, and Justice

There are other complaints made against the well, ones that have less to do with the physical or financial properties of the facility and more to do with need, health, and justice.

According to Romak, there are only four active deep injection wells for hazardous waste in the United States still active, primarily in southern states.

“They are closing in Texas and Oklahoma; why should we be opening any?” she said. “We have made it clear we’re not interested, but Michigan is letting them in. Why are they looking to get one now after all these years? The DEQ has an obligation to go and find out why.”

In a 1994 letter written by Romak and addressed to Gov. Engler, she said “five commercial hazardous waste treatment facilities within a 50 mile radius of the Romulus site are operating at a 50 percent capacity.” Wayne County is the site of the highest concentration of waste



Phyllis Glazer, founder of an East Texas community group which closed down a toxic waste injection well, speaks before more than 600 Romulus area citizens at the first Site Review Board hearing in November. Photo: Mike Garfield

handling facilities in the state, and a letter from S&S Environmental, Inc. sent to EDS stated that the company’s profit could come in part from selling some of the well’s storage space to other areas, including Ohio, Indiana, and even Toronto. Many companies make grand efforts to demonstrate their “eco-friendliness,” but it is in some less visible ways they show their ultimate values, if only unwittingly. Manufacturing giants like Monsanto and 3M have instituted programs to recycle 90 percent of their waste stream, and so the amount of waste being produced has dropped, leaving more room available to store the waste that does get created. And in turn, that reduces the amount of new space that needs to be set aside for waste – such as the deep injection well in Romulus.

Health effects are another major concern, and pollutants in the air and waterways travel, thus exposing people outside the Romulus area to danger. More than 12 million pounds of carcinogens, mutagens, teratogens, neurotoxins,

reproductive toxins and other chemicals were released in Wayne County in 1995. The Detroit River receives more than 439,000 pounds of toxic metals per year, making it the seventh worst waterway in the United States.

According to estimates by the Michigan Department of Community Health, there are nearly 40,000 children with asthma in Wayne County, and another 67,000 adults with asthma. In the Detroit area alone, including Romulus, more than 9,000 individuals died of cancer in 1995. One million pounds of cancer-causing chemicals were dumped into the air and water in that same year.

The well also raises the issue of race and environmental justice. Noting that the Romulus area already suffers from a huge number of toxic air and water emissions, contamination sites, and disposal facilities (see chart), RECAP argues that the well adds another undue

burden on an already overburdened community. Earlier this year, RECAP filed a Title VI environmental justice complaint against EDS, claiming prejudice in the placement of the well. A predominantly (more than 65 percent) African American neighborhood sits less than 500 yards from the well site, but the Environmental Protection Agency has not yet responded to that complaint.

This is not surprising. A 1994 executive order by President Clinton requires that federal agencies reduce the possible harm caused by environmental actions which disproportionately affect minority communities – such as the placement of a deep injection well near an African American neighborhood which already has a large number of toxic sources. But EPA has been furiously attacked by conservatives on the issue, and has ruled on only one of over 30 environmental justice complaints filed

with it since 1994.

At-Risk Community Already

As of 1997, there were 172 facilities within Romulus registered with the EPA for hazardous waste handling. Romulus has a population of only about 24,000 people. In other words, there is about one industrial facility handling toxic compounds for every 145 people in the city. RECAP claims the well would receive 96 million gallons of hazardous waste a year that would be delivered by 19,200 trucks.

“We’re an established at-risk community already,” Romak said. “This isn’t the direction Michigan should go.”

According to John Morrow of Environmental Information, Ltd., a legal watchdog company, Michigan lawmakers have proposed a bill that will increase the

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stringency of regulations that apply to injection wells. Well owners like EDS would be required to operate under Michigan's Hazardous Materials Act (HMA), an existing law that does not apply to injection wells. Operating under HMA would require public hearings during the well siting process and regular inspections of the well after it becomes operational, a sharp change from current rules, which do not require regular company monitoring of the wells.

In 1997, State Rep. Raymond Basham (D-Taylor) asked the MDEQ to consider expanding their observation periods from two random sessions per year to six. He also recommended giving MDEQ inspection officials authority to ticket violators of state or federal guidelines while on site, and supported raising

the daily fine for violations from the current rate of \$1,000 per day.

"Our environmental future must be our concern today," Basham said. "We don't know exactly what effect dropping tons of toxic chemicals into the earth's crust will have fifty or a hundred years from now, so it is in our best interest to assure that hazardous waste disposal is done with extreme caution and in strictly limited quantities.

The MDEQ did not respond to Basham's statements. Administration officials appear to be involving themselves in the Romulus deep injection well issue as little as possible, leaving it to the city, the citizens, and EDS. Yet what is significant in this debate is not just the addition of even more room for toxics to be stored; it's the activation of old legal

bodies like the Site Review Board and evidence of the power of a grassroots campaign like RECAP. It's people taking care of themselves and their home. It's something every environmentalist could learn from.



Rep. Ray Basham

If you want to help RECAP, or if you'd like more information, please call the RECAP hotline at (734) 753-5877.

Andrew Domino is an environmental journalist based in Livonia.

Michigan's Site Review Board

When developers submit a proposal to site a hazardous waste disposal facility, the plans are reviewed by Michigan's Site Review Board (SRB). The SRB is required to make a recommendation to the DEQ within 6 months of its first meeting.

The SRB consists of a non-voting chairperson, one representative from both the municipality and the county from where the facility is proposed, two public representatives, a municipal representative, a manufacturing representative, a toxicologist, an engineer, and a geologist.

The EDS injection well is the first proposal considered by the SRB since 1989, but in the ten preceding years, the SRB approved four proposals and denied three others. The SRB denied proposals for negative effects on ground and surface water; for poor past performance by the applicant; for conflict with local planning; and for lack of need for the facility

Before 1993, the decision of the SRB was final, but a gubernatorial executive order gave the Board's power over to the DEQ Director. The EDS well proposal, therefore, will be decided by Director Russ Harding.

Romulus' Toxic Stat Sheet

TRI (Toxic Release Inventory) sites

| | |
|-------------------------|----|
| Romulus: | 10 |
| Romulus and Taylor: | 13 |
| Within 4 miles of well: | 25 |

TRI releases (lbs)

| | |
|-------------------------|-----------|
| Romulus: | 44,941 |
| Romulus and Taylor: | 49,484 |
| Within 4 miles of well: | 2,027,443 |

Generation of TRI waste (lbs)

| | |
|-------------------------|-----------|
| Romulus: | 1,506,768 |
| Romulus and Taylor: | 1,518,887 |
| Within 4 miles of well: | 9,510,561 |

CERCLIS sites in Romulus:

| | |
|--|----|
| | 12 |
|--|----|

RCRIS handlers/violations (1997)

| | |
|---------------------|---------|
| Romulus: | 172/224 |
| Romulus and Taylor: | 330/308 |

NPDES permits/noncompliance ('94-'97)

| | |
|---------------------|---------|
| Romulus: | 60/137 |
| Romulus and Taylor: | 113/299 |

Source: Right to Know Network

**TRI tracks extremely toxic substances. CERCLIS lists contamination sites considered for EPA's National Priority List. RCRIS lists all licensed handlers of hazardous materials. NPDES permits are granted to all surface water dischargers.

East Texas Plugs a Well

In the late 1970s, Gibraltar Chemical Resources bought property in Winona, Texas from residents under the impression that the company was going to build a saltwater injection well. In 1980, the company obtained a permit to operate a commercial hazardous waste deep injection well. It soon began to expand its hazardous waste handling operations.

As early as 1983, neighbors were suffering from the plant's terrible odors, heavy truck traffic, and loud train cargos. People suffered burning eyes and lungs, nausea and vomiting, heart palpitations, and headaches. There were plant and truck accidents and spills, even fires, that exposed neighbors to highly toxic fumes.

Winona is a very small, rural, and largely minority community in East Texas. In 1992, residents organized a group called M.O.S.E.S. to shut down the facility. They travelled to the state capital and to Washington, DC to make their case against the facility. After two lawsuits and several enforcement orders, the company closed the well to commercial business in 1997, and the company is remediating the site.