



Toxic Treats in Romulus? Courts Clear Path, EDS Awaits Final Operating License

By Brad van Guilder

Over the summer Environmental Disposal Systems (EDS) of Birmingham accumulated some ingredients to brew toxic treats for the hazardous waste injection wells it has constructed in Romulus. The facility would be the first commercial injection well in Michigan. The more than 200 toxic chemicals that would be transported to the facility near the intersection of I-94 and Inkster Road, less than half a mile from Metro Detroit Airport, pose a threat to the health and safety of the residents of southeast Michigan.

On June 21 Ingham County Circuit Court Judge William Collette revoked a permit for Sun Pipeline to operate a nearby brine extraction well. The U.S. Environmental Protection Agency has stated that it would not allow both Sun and EDS to operate wells that access the Mount Simon underground rock formation. Sun appealed to the Michigan Court of Appeals.

As we reported in the August issue of *FTGU*, neither Sun nor EDS is ready or properly permitted to use Mount Simon at this time but their race for exclusive use of the expansive layer of sandstone could very well be the deciding factor in a 12-year struggle to keep the EDS wells from becoming fully operational.

On Aug. 25 it appeared that Sun had won its appeal. The Michigan Court of Appeals overturned Judge

Collette's June decision and reinstated Sun's permit. However, on September 1 the Michigan Court of Appeals reversed (vacated) its Aug. 25 decision on a procedural technicality and again revoked Sun's permit. A decision on the merits of the case is still pending.

On another legal front, the Michigan Supreme Court on Aug. 31 declared that it would not hear an appeal from the cities of Romulus and Taylor that was joined by Wayne County. The appeal would have blocked the EDS well from operating because the construction permit for that wetland site never should have been granted. It is against state regulations to build a hazardous waste facility in a wetland.

The MDEQ satisfied its legal obligation by issuing a draft operating license on July 22 for public review. The EDS facility needs a final operating license before it can begin accepting hazardous wastes and operating its deep wells. On Sept. 9 yet another hearing was held at the Romulus High School. Elected officials, business groups, and resident after resident called on the MDEQ to review the entire flawed history of this facility and deny the operating license. The official public comment period has been extended to Oct. 22, 2004, however, appeals for common sense can continue beyond that date.

Brad van Guilder is the Ecology Center's Wayne County Organizer.

TAKE ACTION

Please write to MDEQ Director Steven Chester calling on the department to review the complete history of the facility and to deny the operating license on the basis that the entire process for approving this facility has been seriously flawed.

You can use the talking points below and information from previous articles in *FTGU* (www.ecocenter.org).

- The Citizen's Site Review Board rejected this facility. The Engler administration removed the board's authority to make final decisions and approved the facility over the CSRB recommendation. Concerns raised during the CSRB process have still not been adequately addressed.
- The facility has been built in a wetland in violation of state regulations that prohibit the construction of a hazardous waste facility in a wetland.
- There is no demonstrated need for this facility. The amount of hazardous waste generated is declining. Operation of this facility will result in excessive capacity for "disposal," drive the price for disposal down, and attract hazardous waste imports from neighboring states and Canada.
- Operation of this facility poses a threat to groundwater. EPA claims that no geologic activity will allow the injected wastes to be a threat for at least 10,000 years. However, human activity such as other wells, spills, and accidents could allow the waste to be a threat to groundwater.

Director Steven Chester
Michigan Department of
Environmental Quality
PO Box 30473
Lansing, MI 48909-7973
Phone: (517) 373-7917
CHESTERS@michigan.gov