

Environmental Disposal Systems, Inc.  
Hazardous Waste Surface Facility  
Operating License Status Determination  
Public Hearing

April 23, 2009

6:30 pm – 8:30 pm



Michigan Department of Environmental Quality (MDEQ)  
Waste and Hazardous Materials Division (WHMD)

# Public Hearing

MDEQ notice of intent to decide on status of Environmental Disposal Systems' (EDS) hazardous waste operating license (License) for aboveground storage and treatment operations at 28470 Citrin Drive in Romulus.

Before making a final decision regarding potential revocation of EDS's License, MDEQ is seeking public input.

Hearings Officer: Steve Buda

Decision Maker: MDEQ Director Steven Chester

Additional MDEQ staff present

# Agenda

- 1) Background Information
- 2) License Revocation
- 3) Public Comment Procedures
- 4) Public Comment
- 5) Informal Discussion

# Background Information

License required by Part 111, Hazardous Waste Management, of Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451).

EDS received License for aboveground hazardous waste treatment and storage operations on December 27, 2005.

MDEQ issued EDS a Letter of Warning and Suspension of Operations on November 2, 2006, based on noncompliance with the License and Part 111 and its rules. MDEQ specified EDS may not accept, process, or transmit waste to point of discharge from the surface facility to injection wells.

# Background Information

Based on documents provided by RDD Investment Corp. (RDD Investment), a subsidiary of the Police and Fire Retirement System of the city of Detroit, it appears that EDS transferred its facility interests to RDD Investment on or about November 7, 2006.

EDS dissolved itself as a corporation under Michigan law on April 25, 2007.

RDD Investment indicates that it is the owner of the land upon which the facility is located.

# Background Information

RDD Operations, LLC (RDD Operations), has Served as facility caretaker.

However, EDS remains the facility owner and operator of record and the Licensee, as the License has not been transferred to RDD Operations.

The MDEQ has been directing correspondence regarding the facility to both EDS and RDD Operations in an attempt to keep all parties informed.

# Background Information

United States Environmental Protection Agency (U.S. EPA) regulates deep well injection of hazardous waste via federal Underground Injection Control (UIC) Program.

EDS permitted to inject hazardous wastewaters from off-site generators into deep injection wells.

Federal UIC permits for two deep injection wells are currently in effect based on stay issued by Environmental Appeals Board of the U.S. EPA's decision to terminate permits.

EDS also regulated by Part 625, Mineral Wells, of Act 451, administered by MDEQ, Office of Geological Survey.

# License Revocation

Part 111 of Act 451 and Michigan's Administrative Procedures Act, 1969 PA 306, as amended, govern determination of cause for, and proceedings associated with, License revocation.

- 1) Notice to Licensee of fact or conduct warranting action.
- 2) Give Licensee informal opportunity to show compliance.
- 3) Issue a written, informal statement of findings.
- 4) Issue notice of intent to revoke.
- 5) Follow public participation procedures.

# License Revocation

On August 27, 2008, MDEQ issued EDS a Notice of Intent to Revoke License, Basis for Revocation, and Opportunity to Show Cause.

An informal hearing conducted on October 17, 2008.

On November 5, 2008, MDEQ issued a determination that EDS has failed to show full compliance with Part 111, Part 111 rules, and License.

# License Revocation

MDEQ issued notice of intent to decide on revocation of License.

- a. *Romulus Roman*: March 19, 2009
- b. MDEQ Calendar: March 30th and April 13th
- c. MDEQ Mailing List for EDS facility

This public hearing is part of the MDEQ's public participation procedures.

MDEQ Director decision whether or not to proceed with revocation of EDS License.

# License Revocation

If the Director decides to proceed with revocation:

- File a Petition for Contested Case Hearing with State Office of Administrative Hearings and Rules
- Administrative Law Judge (ALJ) notifies EDS of Contested Case Hearing
- Contested Case Hearing held before ALJ
- ALJ prepares proposal for decision and serves it on the “parties” MDEQ and EDS
- Opportunity for exceptions to be filed and arguments by the parties on proposal for decision

# License Revocation

- 6) Director of MDEQ is final decision maker to revoke EDS License.
- 7) Opportunity for a rehearing in the contested case is available to the parties.
- 8) A petition for judicial review of the final agency decision may be filed by either party in the circuit court.

# License Revocation

Before making a final decision to proceed with the License revocation process, the MDEQ is seeking public input.

If a decision to proceed with revocation of the License is made, the next step is for the State to initiate formal revocation proceedings by filing Contested Case.

# Public Comment Procedures

Comment period on proposed decision is  
**March 23, 2009**, to close of business on **May 8, 2009**.

Written comments accepted throughout the  
comment period.

Oral comments accepted during the public hearing  
tonight.

# Public Comment Procedures

Send written comments to:

Ronda Blayer

Waste and Hazardous Materials Division

Department of Environmental Quality

P.O. Box 30241

Lansing, Michigan 48909-7741

e-mail: [blayerr@michigan.gov](mailto:blayerr@michigan.gov)

# Public Comment Procedures


Oral and written comments become part of the formal administrative record.

MDEQ will evaluate the comments relative to existing requirements and prepare a Responsiveness Summary.

Notice of Final Decision will be sent to all persons on the mailing list for the EDS facility.

# Public Comment Procedures

**DEQ** STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
**ATTENDANCE RECORD**  
By authority of Act 451, P.A. 1994, as amended.

 PRINTED ON RECYCLED PAPER

**PLEASE PRINT** Completion of information requested on this form is voluntary.

NAME	DATE
TITLE	
MAILING ADDRESS	
CITY, STATE, ZIP CODE	
REPRESENTING	
DO YOU WISH TO MAKE A STATEMENT? <input type="checkbox"/> YES <input type="checkbox"/> NO	AGENDA ITEM

EQP-1007 (02/96)

# Public Comment Procedures

Indicate on attendance card that you wish to make a statement.

Elected officials will be offered the opportunity to speak first.

Other speakers will be called upon in the order the cards were received.

Comments being recorded.

# Public Comment Procedures

MDEQ will not verbally respond during the formal (recorded) portion of tonight's hearing.

MDEQ will provide thorough written responses in Responsiveness Summary.

Ask questions during formal portion of hearing to which MDEQ will provide written responses

At the close of the formal (recorded) portion of the hearing, staff will be available for informal discussion in the auditorium.

# Public Comment Procedures

When called upon:

Come up to the podium

Speak into the microphones

State your name and any group or association you may represent

Limit your comments to a few minutes

Submit any written materials you may have

# Public Comment Procedures

Please be courteous

Only one person should be speaking at a time

Please do not interrupt a speaker

# Public Comment

Send written comments by **May 8, 2009**, to:

Ronda Blayer

Waste and Hazardous Materials Division

Department of Environmental Quality

P.O. Box 30241

Lansing, Michigan 48909-7741

e-mail: [blayer@michigan.gov](mailto:blayer@michigan.gov)

# Informal Discussion