

**US Ecology Detroit South, also known as EQ Detroit
Frequently Asked Questions (FAQ)
April 2021**

1. What exactly is the Hazardous Waste License Application under review by the Department of Environment, Great Lakes, and Energy (EGLE)?

US Ecology Detroit South submitted an application to renew their Hazardous Waste Operating License for their activities at 1923 Frederick Street, Detroit, Michigan. The renewal application was required under the hazardous waste laws and rules because US Ecology Detroit South wishes to continue storing and treating hazardous wastes at this site. The requirement to apply for renewal of hazardous waste licenses allows EGLE to thoroughly review current site information and ensure that the conditions of the license continue to meet the requirements of the hazardous waste laws and rules. These requirements serve to ensure that hazardous waste operations at the site are protective of public health and the environment.

This application pertains only to hazardous waste operations at the Frederick Street location. US Ecology maintains other licenses for other hazardous waste sites they own and operate. The site also has a solid waste license which separately regulates the site's non-hazardous waste operations. The Frederick Street location was used for a variety of industrial and commercial purposes throughout the 1900s. The first waste management activities began at the site in the 1980s. The site received its first Hazardous Waste Operating License in 1990, and was last relicensed in 2003. Because a timely renewal application was submitted, US Ecology is allowed to continue operating under the license until a final decision is made on the renewal application.

The application under review was written and submitted by US Ecology Detroit South, and proposes to continue storing and treating hazardous wastes at the site. US Ecology Detroit South treats hazardous wastes in licensed tanks, and stores these wastes in licensed tanks and container storage areas. US Ecology Detroit South is not seeking to increase the amount of waste stored or treated at this site.

Treatment is performed inside the two largest buildings at the site. The Main Treatment Building is located near the southwest of the site and is used primarily for the treatment and storage of wastewaters. The Chemical Fixation Building is located near the northwest of the site and is used for the treatment and storage of other wastes, largely using a stabilization process. There are also other licensed hazardous waste container storage areas at the site. The Container Storage Area and Container Staging Area are located inside fully enclosed buildings attached on the east side of the Chemical Fixation Building. The North Container Storage Pad is located outside on the north side of the Chemical Fixation Building, approximately 60 feet from the property boundary fence. The Lab Pack/DePack Area is located near the northeast side of the site, enclosed within another building. The Rail Area is located outside along the west of the site and is used to receive and store shipments of wastes by rail. Immediately west of the site are rail lines and additional industrial properties. All hazardous waste treatment and storage areas at the site are designed with secondary containment, so that any accidental spills would be captured and would not be released to the environment.

Additionally, there is a separate hazardous waste transfer site by the northeast corner of the site. This site is used for the short-term storage and transshipment of wastes, and is regulated separately, under the hazardous waste transportation rules.

EGLE has determined that the application is administratively complete, meaning that all the required elements of a renewal application have been included. EGLE is currently reviewing the application's technical details to determine whether they are compliant with the hazardous waste laws and rules. EGLE will not make a final decision on this application until this review is completed.

2. Can we stop this license renewal application from being approved by EGLE?

EGLE can only deny a license application if the proposed operations would not comply with the hazardous waste laws and rules. Therefore, if EGLE receives a comment identifying a technical deficiency in the applicant's operations and verifies the technical deficiency, EGLE will allow the applicant to propose changes to their operations and application that resolve the technical deficiency. EGLE would then review the updated application to determine whether the deficiency is fully addressed.

If an application meets the requirements of the hazardous waste laws and rules, EGLE is obligated to draft and issue a license. If an applicant refuses or fails to address deficiencies in their application, EGLE can deny the application.

3. Are there legal provisions that would allow for denial of the license application?

There are criteria that need to be met to deny a license application. EGLE does not have authority to approve or deny a license application based on public support or opposition. The [hazardous waste rules](#) specify the criteria to deny a application under Rules 518 and 519. These criteria include:

- When the operation of the site will violate the hazardous waste laws or rules.
- When it is found that the construction of the site has not been performed according to the plans approved by EGLE, the hazardous waste laws and rules, or the conditions of the site's approved operating license.
- When the existing construction or operation of the site presents a hazard to public health or the environment.
- When the applicant provides false information or does not provide enough information for EGLE to make reasonable judgments as to whether the license should be granted.
- When the site for which the applicant is seeking a license is operating in violation of their existing hazardous waste license, laws, or rules and the site continues to operate without fixing the violation(s).

When EGLE reviews a license application, the hazardous waste laws and rules only allow EGLE to consider the applicant's activities at the site location where the hazardous waste license actions are proposed. Activities occurring at other locations owned and operated by the same company cannot be considered when making a decision on the license application.

4. What environmental monitoring does EGLE require at this site? Why did EGLE previously allow US Ecology Detroit South to stop sampling and monitoring their soil and groundwater?

US Ecology Detroit South is required to perform regular monitoring of the ambient air at the site and received waivers from having to perform routine soil and groundwater monitoring when relicensed in 2003.

The waiver from routine soil monitoring was granted because no hazardous waste or hazardous waste constituents could reach soil based on the site design and operation. This included factors such as waste handling areas being paved, and licensed hazardous waste storage and treatment areas being designed with adequate secondary containment capable of containing any accidental spills.

The waiver from routine groundwater monitoring was granted because of the site geology and a finding that there was no potential for an accidental spill to reach the uppermost aquifer. EGLE concluded that the site has groundwater that is not generally drinkable, and the surrounding area is supplied with drinking water from Lake Huron. The regional geology in the Detroit area is known to consist of 100 to 150 feet of clay with very few water-bearing sand and gravel layers. Under the clay, there is a bedrock aquifer which is known to contain naturally occurring trace levels of hydrocarbons, sulfur, and a high mineral content, preventing it from being a source for drinking water.

In addition, two environmental site assessments were conducted in 1987 and 1998 to determine if the groundwater was contaminated from past or present operations. For the most recent 1998 groundwater assessment, samples were collected from 13 monitoring wells and analyzed for volatile organic compounds, semi-volatile organic compounds, and metals. From this assessment, it was determined that site groundwater had not been impacted by site operations.

These waivers are being reassessed as part of EGLE's technical review, to verify whether the site's design and operations are consistent with the conditions for waivers detailed in the hazardous waste rules.

US Ecology performs monthly monitoring of the ambient air at three locations around the site boundary. Ambient air samples are collected and analyzed for specific metals, volatile organic compounds, and particulates. EGLE has developed an [environmental score card](#) which summarizes recent ambient air monitoring data on the second page. This scorecard is available at Michigan.gov/USEcologyDetroitSouth.

As part of EGLE's technical review, EGLE will reevaluate whether additional ambient air monitoring locations are needed, as well as if any changes are needed regarding target parameters and/or monitoring frequency.

5. Are there any releases to the environment that would be allowed under the site's hazardous waste license?

Hazardous waste licenses establish site design and operating requirements to prevent releases to the environment. No discharges to soil or groundwater are authorized under the site's hazardous waste license, and a separate permit issued by EGLE's Air Quality Division sets strict limits on any air emissions from the site.

The hazardous waste license renewal application proposes to renew the site's license to store and treat hazardous wastes at the site. No disposal of any wastes is allowed at the site. Within a year of accepting hazardous waste, the waste must be shipped off-site for further handling and disposal at a location authorized to accept the waste. The conditions included in hazardous waste licenses are designed to prevent any release and to prevent any exposure to the materials stored and treated at this location. These include conditions:

- To prevent releases from the operation.
- To require emergency response in coordination with local emergency responders in the event of an emergency.
- To require clean-up if there is any release from the hazardous waste activities occurring at this site.
- To set aside money which the state can use if clean-up is needed and not performed by US Ecology.

US Ecology Detroit South also has a wastewater discharge permit from the Great Lakes Water Authority (the receiving wastewater treatment plant), which was renewed in 2019.

To approve the hazardous waste license renewal application, it must be determined that the site possesses any air and wastewater permits required under the Clean Air Act and the Clean Water Act.

6. What can I do if I see a discharge from this site to the environment?

If ever you see something that appears concerning and looks like an environmental discharge that is not authorized, please call EGLE's Pollution Emergency Alert System. Report what you saw, when and where it occurred, and any other details that may help EGLE and local responders quickly determine the cause and source of the discharge. By getting the information to the right people quickly, you are ensuring that an investigation is conducted promptly, and any necessary corrections and enforcement actions are taken. Community members play a valuable role in helping EGLE protect our communities and natural resources. ***The number to the Pollution Emergency Alerting System (PEAS) hotline, which has operators to assist available 24 hours a day 7 days a week, is 800-292-4706.***

7. How does EGLE coordinate with the Great Lakes Water Authority (GLWA) in regulating wastewater discharges from the site to the sewer system?

US Ecology Detroit South and GLWA both collect and analyze samples of the site's wastewater prior to discharge to GLWA. US Ecology Detroit South's wastewater discharge permit from GLWA details how often US Ecology is required to perform this sampling. EGLE routinely receives reports from both US Ecology Detroit South and from GLWA on the results of this wastewater monitoring. These results are reviewed by both GLWA and EGLE to monitor how the company is doing in meeting their GLWA wastewater treatment permit limits. If the company is not meeting their wastewater permit limits, GLWA will let EGLE know and both EGLE and GLWA will work with US Ecology Detroit South to make changes to site processes to meet the wastewater permit limits.

EGLE has also developed an [environmental score card](#) which summarizes recent wastewater monitoring data. This scorecard is available at Michigan.gov/USEcologyDetroitSouth. The score card includes a summary of the samples collected and analyzed and notes when any samples results exceed the GLWA permit limits.

The most recently compiled wastewater data used to update the score card spans June 2020 through November 2020. This data included 1,623 sample results. The data showed two exceedances of daily permit limits and no exceedances of monthly average permit limits. The scorecard will be updated semiannually.

8. What does EGLE do if they find a violation of the site's license?

If a violation of the site's hazardous waste license is identified, EGLE issues a notice to the company that identifies the observations made to support that a violation occurred. The company is required to correct any violations in a timely matter. Depending on the severity of the violation EGLE may seek to recover fines and penalties. If a company violates the hazardous waste license, laws or rules, EGLE takes actions to enforce the requirements. EGLE has hazardous waste inspectors that inspect, at least four times a year, to verify the company is operating as required.

9. What kind of waste materials are processed at the site? Does this include radioactive wastes?

At the Frederick Street location in Detroit, Michigan, US Ecology Detroit South stores and treats both hazardous waste and non-hazardous waste. Non-hazardous waste managed at the site is regulated under a separate non-hazardous solid waste license. The hazardous waste operating license renewal application under review proposes to continue hazardous waste activities at this location. At this site, US Ecology Detroit South stores and treats a variety of hazardous wastes, including wastes that are ignitable, corrosive, reactive, and/or toxic.

US Ecology Detroit South is not a radioactive waste site. However, materials such as low-level radioactive wastes (LLRWs) and technologically enhanced naturally occurring radioactive material (TENORM), sometimes known as fracking wastes, are not classified as hazardous wastes. As such, they are regulated separately from the hazardous waste laws and rules. LLRWs cannot be received at the site without a nuclear materials license from the United States Nuclear Regulatory Commission. Similarly, the site cannot receive and treat TENORM without first registering with EGLE's Radiological Protection Section. US Ecology Detroit South is not currently authorized for either of these radiological waste types.

10. I heard that the buffer from the edge of a hazardous waste site is only 60 meters. How is this possible?

Rule 603 of Michigan's hazardous waste rules addresses isolation distances for the active portions of new hazardous waste sites. In general, licensed hazardous waste treatment and storage must be conducted at least 60 meters away from commercial, residential, or recreational properties, as specified under Rule 603(2)(b).

11. What is being done to ensure public health and safety are protected?

Sites like US Ecology Detroit South are required to meet a variety of specific preparedness, prevention, and emergency planning requirements.

A comprehensive waste analysis process must be followed under hazardous waste licenses. The waste analysis process involves the company taking specific steps to verify the nature of the incoming waste before and after shipment to licensed hazardous waste sites. This ensures the company can properly manage, store, and treat incoming waste.

The site must also be designed and operated with features such as secondary containment, which are sufficient to prevent any spills in licensed waste management areas from reaching soils or groundwater. Additionally, the site must be equipped with various safety features such as alarms, fire suppression systems, spill clean-up kits, and decontamination equipment.

The site is required to develop and maintain an emergency response plan, formally called a contingency plan under the regulations. The contingency plan must be shared with the local

emergency response authorities to allow for effective coordination and responses in the event of an accident.

12. Is environmental justice (EJ) being taken into consideration in the evaluation of this renewal application?

EGLE used the United States Environmental Protection Agency application (U.S. EPA), EJSCREEN, to assist in determining if environmental justice concerns exist in the area around this site in 2012 and again in 2020. After determining that EJ concerns existed in this area, EGLE started using enhanced public participation procedures. This included holding a virtual public information meeting in December 2020. EGLE sent a public notice of this meeting to residents within a one-mile radius of the site, as well as to anyone subscribed to the site mailing list. Because of the site's relative proximity to linguistically isolated areas, EGLE also translated the public notice as well as other key documents into both Arabic and Bengali, to allow for greater access to this information.

EGLE is currently reviewing US Ecology Detroit South's license renewal application for technical adequacy. When this technical review is completed, EGLE will schedule another public information meeting to further discuss our findings with the community.

In 2019, a new position was created within EGLE known as the Environmental Justice Public Advocate. EGLE's hazardous waste project staff coordinate with the Environmental Justice Public Advocate and their staff to reach the community and address EJ concerns. EGLE welcomes input on ways to better connect with the community.

13. Are the cumulative effects of environmental impacts from this site and other local industries being considered in the evaluation of this renewal application?

EGLE recognizes that a variety of industrial activities can directly and indirectly contribute to overall degradation of environmental quality. As such, EGLE's Environmental Justice Public Advocate will be working with EGLE's hazardous waste and air quality staff, the City of Detroit, Wayne County, and state and local health departments to take a comprehensive look at the area surrounding this site.

14. What is EGLE doing about nuisance odors related to site activities?

EGLE acknowledges that nuisance odors have been a challenge at this site, and EGLE remains committed to resolving odor concerns. When EGLE receives an odor complaint, trained Air Quality Division staff investigate. If EGLE confirms unacceptable odors are impacting the community, EGLE issues a letter notifying the company of the alleged violation and directing them to investigate the cause and take action to prevent their recurrence. US Ecology Detroit South has previously made changes to their handling of certain waste streams believed to contribute to community odor concerns.

To further address odor concerns, US Ecology Detroit South and EGLE entered into an administrative consent order for odors from the site's non-hazardous solid waste activities. This consent order required the site to develop an odor control plan, which was submitted in December 2020 and is currently being reviewed by EGLE.

As part of EGLE's review of the site's hazardous waste operating license renewal application, EGLE will evaluate whether the application proposes adequate measures to control odors associated with site activities. This will include a review of the site's ambient air monitoring program and waste handling procedures to ensure odors are minimized.

15. Has money been set aside to take care of clean up and remediation if there is a spill or release from the site?

Yes. US Ecology Detroit South has pollution liability insurance coverage for sudden and accidental occurrences in an amount of \$1 million per occurrence and \$2 million per year. They also maintain separate insurance coverage to guarantee funds will be available to close down operations at the site. Closure costs are evaluated annually to reflect any changes at the site and make adjustments for inflation.

Hazardous Waste sites like US Ecology Detroit South are required to supply financial assurance to ensure that any costs associated with the site will be covered by the company and that the expenses will not fall to the taxpayers.

16. How does EGLE ensure environmental monitoring performed by the site is accurate?

EGLE implements Michigan's hazardous waste program the same way the U.S. EPA implements the federal hazardous waste program under the Resource Conservation and Recovery Act. Owners and operators of licensed hazardous waste treatment, storage, or disposal sites are required to pay their operating costs, including costs involved with environmental monitoring. US Ecology Detroit South, like other licensed hazardous waste sites, is required to conduct routine monitoring and inspections, to keep detailed records of this work in the site's official operating record, and to make the information available to EGLE upon request for review. At times, they may hire third party consultants to perform their environmental monitoring or other work at the site. Most physical changes to hazardous waste storage and treatment areas require third party certification from licensed professional engineers. EGLE and other regulatory agencies such as GLWA also conduct their own inspections and monitoring to confirm the accuracy and adequacy of the environmental monitoring information provided by US Ecology Detroit South.

17. How can members of the public make comments about the renewal application? How will EGLE further public outreach during this process?

EGLE is committed to engaging with the community and providing information and opportunities for public involvement throughout the licensing process. While EGLE's technical review of this hazardous waste operating license renewal application is ongoing, we welcome comments or questions at any time. If you have any questions or concerns throughout this process please feel free to contact the hazardous waste licensing engineer, Andrew Bertapelle, at BertapelleA1@Michigan.gov or 517-290-3813, or any of the program contacts listed at Michigan.gov/USEcologyDetroitSouth.

Once the technical review is complete, EGLE will host another public information meeting to discuss the findings of the technical review and get community input. After that meeting and considering community input, EGLE will announce a tentative decision. The tentative decision may be to approve or deny. If the tentative decision is to approve the license, a draft license would also be provided for review.

As provided under the hazardous waste rules, when EGLE issues a tentative decision, an opportunity to provide formal public comment will also be provided. EGLE will also host a formal public hearing allowing the community to provide formal comments. All formal comments will be made a part of the license review record. When announcing a final decision on the application, EGLE will also share a formal written response to the comments provided during the public comment period.