

## NOTICE OF FINAL DECISION

Approval of Hazardous Waste Management Facility Operating License  
US Ecology, Inc., Detroit North  
MID 074 259 565

Persons requiring assistance with receiving this information in a language other than English should contact Mr. Richard Conforti, Supervisor, Management and Tracking Unity, Hazardous Waste Section, Materials Management Division (MMD), at 517-284-6558 or ConfortiR@Michigan.gov.

Effective April 22, 2019, the Michigan Department of Environmental Quality, Waste Management and Radiological Protection Division, became the Michigan Department of Environment, Great Lakes, and Energy (EGLE), MMD.

On January 29, 2020, EGLE, MMD, reissued a hazardous waste management facility operating license (License) to US Ecology, Inc. (USE), for the Detroit North facility, pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. The reissuance of the License followed a public comment period on the draft License that extended from July 15, 2015, to October 12, 2015, and reopened from February 22, 2019, to April 12, 2019. Changes made to the License as a result of the public comments received during the public comment period and based on internal review after the close of the public comment period are identified in the Responsiveness Summary.

The License allows USE to operate and expand their hazardous waste storage and treatment facility at 6520 Georgia Street in Detroit, Michigan. The License has a lifespan ten years from the date of reissuance, unless revoked pursuant to R 299.9519 of the administrative rules promulgated pursuant to Part 111, or continued in effect, as provided for by the Michigan Administrative Procedures Act, 1969 PA 306, as amended.

The License, Responsiveness Summary, and Fact Sheet may be reviewed online at [Michigan.gov/USEcologyDetroitNorth](http://Michigan.gov/USEcologyDetroitNorth).

Physical copies of these documents are also available at the following locations:

EGLE – MMD  
Constitution Hall, 4th Floor South  
525 West Allegan Street  
Lansing, Michigan 48933  
Contact: Mr. Rich Conforti  
Telephone: 517-284-6558

EGLE – MMD  
Warren District Office  
27700 Donald Court  
Warren, Michigan 48092-2793  
Contact: Ms. Jeanette Noechel  
Telephone: 586-494-5091

Detroit Public Library  
Knapp Branch  
13330 Conant Street  
Detroit, Michigan 48212  
Telephone: 313-481-1770

EGLE – MMD  
Detroit Field Office, Cadillac Place  
3058 West Grand Boulevard, Suite 2300  
Detroit, Michigan 48202-6058  
Contact: Mr. Jeff Korniski  
Telephone: 313-456-4685

Questions or comments regarding the License, including requests for a copy of the License, Responsiveness Summary, or Fact Sheet, should be directed to Mr. Rich Conforti via e-mail at [ConfortiR@Michigan.gov](mailto:ConfortiR@Michigan.gov) or mailed to the address above.



# Fact Sheet

## SUMMARY

The Michigan Department of Environment Great Lakes, and Energy (EGLE), Materials Management Division (MMD), has reissued a hazardous waste management facility renewal and expansion operating license (License) to US Ecology Michigan, Inc. (USE), formerly Dynecol, Inc., to continue existing operations, construct and operate two new buildings for storage and treatment, and repurpose an existing building at its facility located at 6520 Georgia Street in Detroit, Michigan (Facility). EGLE proposed this action pursuant to Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and its administrative rules, Michigan Administrative Code Rule (R) 299.9101 *et seq.*

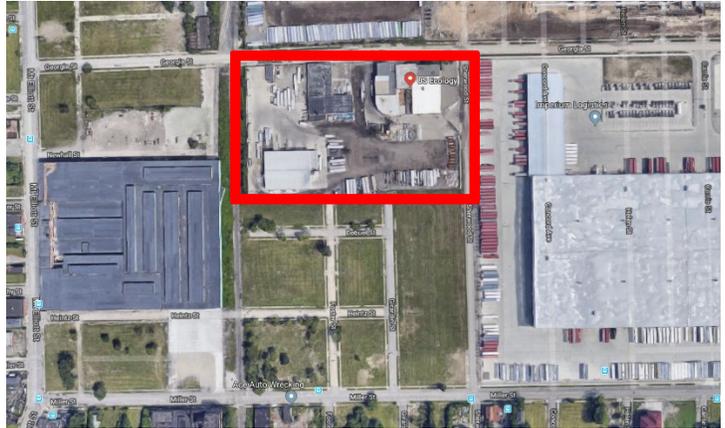
USE submitted a renewal license application (Application) on September 14, 2007, and a revised Application on March 4, 2013, which proposed to expand and enlarge the Facility to manage a greater amount of hazardous waste. The duration of the License is 10 years. Based on the review of the USE Application, site inspections, and Facility audits, EGLE determined that the License be issued based on the following determinations:

- A. The Application was sufficiently detailed for EGLE to evaluate the Facility and its impact on human health and the environment.
- B. The Facility satisfies all of the technical design, construction, and operating standards under Part 111 and its administrative rules, Michigan Administrative Code R 299.9101 *et seq.*
- C. The Facility does not, at this time, present a hazard to human health or the environment, based on a review of the Application; compliance inspections conducted by EGLE staff; ambient air monitoring; and effluent discharge monitoring conducted by USE in compliance with EGLE and the Great Lakes Water Authority, formerly the Detroit Water and Sewerage Department.
- D. In addition to the standard and general facility operating conditions contained in all operating licenses (which consists of proper acceptance and storage, labeling, employee training, emergency response planning, environmental monitoring, and recordkeeping), the License contains conditions specific to USE's existing storage and treatment operations to ensure proper oversight of both existing *and* proposed buildings, storage, and treatment methods.
- E. USE has obtained, or will be required to obtain, all other federal and state environmental authorizations required for the Facility prior to conducting operations in any newly-constructed hazardous waste management units, in accordance with site-specific conditions in the License; these include fire marshal approval for building occupancy and fire suppression systems, and inspections by EGLE staff to ensure appropriate containment has been constructed.
- F. Expansion conditions require construction to be in accordance with the approved engineering plans, submittal of progress reports during active construction, submittal of as-built plans after construction, certification of construction by a licensed professional engineer and inspection by EGLE that the newly constructed areas are capable of storing and treating hazardous waste, prior to operation.
- G. Comments received during the public comment periods were considered in making the final decision. Public comments received contributed to License modifications. Examples of modifications made to the License were: required vehicle traffic route; maximum vehicles per day; inclusion of City of Detroit in environmental monitoring notification.

## FACILITY DESCRIPTION

### Site Description

The facility is located on a 6.2-acre parcel zoned for “intensive industrial” use at 6520 Georgia Street, Detroit, Michigan, approximately one mile east of Hamtramck, Michigan, with industrial, commercial, and residential properties nearby. The site is entirely fenced and bordered by streets, vacant lots, or other industrial sites. There are no lakes or streams in the vicinity and the site is located in the Detroit River drainage basin. I-94 (Edsel Ford Freeway) and M-53 (Van Dyke) are major roads within one half mile of the site.



The USE site is outlined in red above.

### Prior Licensing

The current USE license was issued on March 16, 1998. That license expired on March 16, 2008. USE submitted a timely Application on September 14, 2007; therefore, has been allowed to continue operating under the conditions of the March 16, 1998, license until a final determination was made on the new Application. A major modification to the license was issued on July 30, 2004. This major modification allowed the Facility to: (1) accept additional waste codes in its container management facility, (2) discontinue groundwater monitoring, and (3) add additional wastewater treatment equipment. The major modification **did not** increase the volume of wastes that could be stored or treated at the Facility or extend the expiration date of the License.

### Existing Facility Design and Proposed Expansion

#### Container Management Facility:

The Container Management Facility (CMF) receives hazardous wastes in containers of various sizes, and in bulk, for transfer and storage. The CMF has eight separate storage bays with a storage capacity of up to 120 drums or 6,600 gallons each, assuming drums are stacked two high, for a total volume of 52,800 gallons. This volume is an increase of 11,800 gallons. Secondary containment and a fire suppression system are part of the building design.

#### Treatment Facility – Tank Storage and Treatment:

The Treatment Facility (TF) is designed to store up to 176,200 gallons of hazardous wastes. No additional tanks were added to the TF.

The increase of 153,200 gallons is the result of converting existing tanks from hazardous materials (chemicals) storage to hazardous waste storage. The overall storage capacity has not changed. The TF is designed to treat up to 144,000 gallons of hazardous wastes per day, the amount of treated waste has not been increased. The 300,000 gallons of treated effluent discharged to the Great Lakes Water Authority, formerly the Detroit Water and Sewage Department, in accordance with the requirements of USE’s Wastewater Discharge Permit has not been increased. Secondary containment and a fire suppression system are part of the building design.



Existing buildings outlined in orange; proposed buildings outlined in yellow.

**Proposed Stabilization Expansion (Building 4), Including Container Storage:**

Building 4 is located on the west side of USE's footprint. The proposed hazardous waste storage and treatment will be conducted in an enclosed 20,250 square foot building with three in-ground concrete stabilization/processing treatment tanks totaling approximately 90,000 gallons. All treatment of solid hazardous waste at the Facility will be performed in Building 4, and will be limited to 600 tons per day. Building 4 will also have a container staging area that will receive, transfer, and store hazardous and non-hazardous wastes in containers of various sizes up to 500 gallons in capacity. In addition, there is a bulk container staging area that will store hazardous wastes. The maximum number of drums containing waste material that may be stored in Building 4 is 1,120, for a total volume of 61,600 gallons of hazardous waste. Secondary containment and a fire suppression system are part of the building design.

**Proposed Bulking & Consolidation Building (Building 5A):**

The proposed Building 5A will be located adjoining east of Building 4 for the storage, bulking, and consolidation of wastes. The storing, bulking, and consolidation of wastes will be conducted in an enclosed, approximately 20,000 square foot building, with four recessed containment areas approximately 30 yards each. Containerized wastes to be bulked and consolidated will be subject to the same compatibility and waste evaluation as wastes that are handled in other parts of the Treatment Facility. The maximum number of drums containing waste material that will be allowed to be stored in this building is 4,160, for a total volume of no more than 228,800 gallons of hazardous wastes. Secondary containment and a fire suppression system are part of the building design.

**Proposed Storage Area - Building 5B:**

Containerized hazardous waste in roll-off boxes or trailers, if needed, will be stored in the Proposed Building 5B. The maximum volume of hazardous wastes allowed to be stored in containers in this area will be 121,184 gallons. The maximum number of 30-cubic yard containers, roll-off or trailer, of hazardous waste that may be stored in the Building 5B area will be 20 containers. The area will be utilized only for temporary storage in closed containers until they are shipped off-site to an appropriate disposal, recovery, or recycling facility; or transferred to and treated in USE's Treatment Facility. Secondary containment is part of the building area design.

*Facility-Specific License Conditions*

In addition to the standard conditions typical of all Licenses, the proposed License contains several facility-specific conditions related to the construction of the expansion of the Facility:

1. Conditions for Construction. Condition III.A. authorizes the construction of the new units for the expansion of the Facility, requires submittal of quarterly progress reports on construction activities, requires approval of any construction changes, requires the professional engineer or competent subordinate be on-site during construction activities, and defines the time frames for construction.
2. Conditions for Post Construction Documentation. Condition III.B. requires the submittal of any changes to disclosure information, certification of construction, as-built drawings, certification of capability, information on any deviations from the License, and proof of financial assurance for the new units.
3. Conditions for Operation. Condition III.C. requires USE to obtain written authorization from the MMD Director prior to managing waste in the expanded Facility.
4. Conditions for Notice Requirements. Condition III.D. requires USE to modify the notice on the property deed to identify the legal description of the land upon which the expanded Facility is located and submit verification of the execution, filing, and recording of the modified notice to EGLE.
5. Condition for Compliance Schedule. Condition VIII.A. requires USE to complete the facility upgrades, modifications, and conversions in accordance with a schedule, with deadlines of one to three years

from the effective date of the License for specified tasks. If USE does not complete a requirement by the specified deadline, then any replacement units or individual unit expansions associated with the requirement are no longer authorized, and an expansion modification application and operating license are required to regain the authorized process capacity for the replacement units and individual unit expansions, unless construction begins before the deadline, proceeds in a continuous manner, and is completed prior to submittal of the Application.

6. Condition for Reporting. Condition VIII.B. requires USE to notify the MMD Director of compliance or noncompliance with each facility upgrade, modification, or conversion requirement no later than 14 days following each Compliance Schedule deadline in Condition VIII.A of the License.

*Corrective Action*

Under Part 111, USE is required to perform corrective action and remediate the release of any contaminants from any waste management units (WMU) at the facility, regardless of when the contaminant may have been placed or released from the WMUs at the Facility. The draft License includes 11 WMUs and four Areas of Concern (AOCs) that are monitored under the draft License.

<b>WMU Number</b>	<b>WMU Name</b>	<b>Description</b>
1	Primary Treatment Area	Tanks 1, 2, 3, and 4
2	Secondary Treatment Building	Tanks 18,19, 20, and 21
3	Filter Press Control Room	Press A, B and C; Tank CV1; and CV2
4	Chemical Storage Area (Tank Farm Building)	Tanks 7, 10, 11, 12, 13, 16, 17, 27, 32, and 33
5	Dissolved Air Floatation Building	Tanks 34, 35, 36, 37, and 38
6	Effluent Storage Tanks	Tanks 30 and 31
7	CMF	Container and Bulk storage
8	Activated Carbon	Spent carbon from Treatment Plant and CMF
9	Building 4	Process vaults 1, 2, and 3; Container and Bulk storage
10	Proposed Building 5A	Container storage
11	Proposed Building 5B	Container/roll-off storage
<b>AOC Number</b>	<b>AOC Name</b>	<b>Description</b>
1	Maintenance Garage	Facility equipment repairs performed in this area.
2	Truck Unloading Containment Area	Location for trucks to unload to tanks in chemical storage area.
3	Fuel Storage Area	Fuel storage tanks
4	Former Underground Tank Farm	Located under the Tank Farm building and east of the CMF.

USE's existing WMUs are currently operating with no evidence of a release of any contaminants. When USE discontinues treating or storing hazardous waste in these units or areas, the draft License provides for USE to perform additional environmental monitoring to identify if there is or is not a need to perform corrective action to remediate any detected release(s).

## **ENVIRONMENTAL IMPACT**

### *Wastes Stored*

USE stores and treats both characteristic and listed hazardous wastes, as well as non-hazardous wastes. To ensure proper treatment and safe storage, limitations have been placed on the storage and treatment procedures for licensed wastes. Incompatible wastes are required to be segregated in the licensed storage units.

### *Groundwater Monitoring Program Waiver*

As of the July 30, 2004, major modification, the Facility was allowed to discontinue groundwater monitoring. During the July 15, 2015, through August 28, 2015, public comment period it was pointed out that all not all waste management at the facility was being performed under cover as required. As of June 19, 2017, the Facility met the groundwater monitoring exemption under R 299.9611(3)(b) of the Part 111 administrative rules. This waiver is based upon existing geology and hydrogeological information surrounding the facility. The groundwater monitoring requirement was waived as there was then and now, no potential for migration of liquid from the facility to the uppermost aquifer. The waiver does not preclude EGLE from independently sampling groundwater at the site.

### *Soil Monitoring Program Waiver*

The Facility received a waiver from the soil monitoring requirements of R 299.9611(2)(d) before issuance of the May 2, 1990, License that preceded the License that is currently in effect. All areas of the Facility where hazardous wastes are managed are paved with either concrete or blacktop and some specific areas (e.g., the storage bays in the CMF and the unloading pad in the treatment area) are coated with chemical-resistant materials. The waiver does not preclude EGLE from independently sampling soils at the site.

### *Ambient Air Monitoring*

USE conducts ambient air monitoring at the Facility for total suspended particulates, arsenic, lead, and chromium. in accordance with the ambient air monitoring program contained in Attachment 11 of the draft License.

### *Effluent Monitoring*

USE conducts effluent monitoring to ensure that it meets the standards contained in its effluent discharge permit from the Great Lakes Water Authority, formerly the Detroit Water and Sewage Department. The discharge permit allows USE to discharge storm water and treated process wastewaters to the city of Detroit's publicly owned treatment works for treatment prior to discharge to the Detroit River.

## **PUBLIC PARTICIPATION**

### *Public Comment Procedures*

The purpose of public participation is to ensure that the interested public has knowledge of the EGLE proposed actions and that it may have the opportunity to provide comment(s) related to those actions. In addition, the

process ensures that the EGLE has the opportunity to benefit from any information the public may have relevant to the proposed actions. A public hearing was held on August 18, 2015, from 7 p.m. to 9 p.m. at the Hamtramck Public Library, 2360 Caniff Street, Hamtramck, Michigan. The purpose of the hearing was to allow interested persons to submit oral or written comments regarding the draft License.

The public comment period began July 15, 2015, and ended August 28, 2015.  
The public comment period was extended from August 28, 2015, to October 12, 2015.

A second public meeting was scheduled for Thursday, March 28, 2019, from 6:00 p.m. to 9:30 p.m. at the Bridge Academy East, 9600 Buffalo Street, Hamtramck, Michigan 48212. The purpose of the meeting was to allow interested persons to submit oral or written comments regarding the draft License.

The second public comment period began February 22, 2019 and ended April 12, 2019.

Written comments submitted during the public comment period were considered by the project team, hazardous waste section manager, and the MMD Director in the formulation of the final decision. Responses to written comments and oral statements are included in the record supporting the final decision. The final decision is being communicated to USE, each person who submitted a written comment during the public comment period, persons providing formal oral statements at the public meeting on March 28, 2019, and all persons on the Facility mailing list.

#### *Locations of Available Information*

The administrative record for the License is on file at EGLE, MMD, Constitution Hall, 525 West Allegan Street, Lansing, Michigan (contact Mr. Richard A. Conforti at 517-284-6558).

Copies of the License, Fact Sheet, and the Responsive Summary are available for review at:

- EGLE, Detroit Field Office, Cadillac Place, 3058 West Grand Boulevard, Suite 2300, Detroit, Michigan (contact Ms. Wilhemina McLemore at 313-456-4685);
- EGLE, Warren District Office, 27700 Donald Court, Warren, Michigan (contact Ms. Jeanette Noechel at 586-494-5091).;
- Knapp Branch of the Detroit Public Library, 13330 Conant, Detroit, Michigan, (contact 313-481-1770)
- Online at <http://www.michigan.gov/usecologydetroitnorth>.

#### Contact Person

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Lansing, Michigan 48909-7741



# **RESPONSIVENESS SUMMARY**

## **Proposed Hazardous Waste Management Facility Operating License**

**US Ecology Michigan, Inc.  
6520 Georgia Street  
Detroit, Michigan**

**MID 074 259 565**

**January 29, 2020**



**Prepared By:  
Hazardous Waste Section  
Materials Management Division  
Michigan Department of Environment, Great Lakes, and Energy**

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## INTRODUCTION

On July 15, 2015, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), proposed a draft hazardous waste management facility operating license (License) for the facility located at 6520 Georgia Street in Detroit, Michigan. The License renewal would include an expansion that would allow US Ecology Michigan, Inc. (USE), to increase its current capacity and operate aboveground storage and treatment activities at the referenced location. The License is required under Part 111, Hazardous Waste Management, of the Michigan Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Part 111), and its administrative rules, Michigan Administrative Code R 299.9101 *et seq.*

EGLE made the draft License, fact sheet and administrative record available for public review and offered interested persons an opportunity to comment on the proposed decision during a public comment period from July 15, 2015, through August 28, 2015. EGLE conducted a public hearing regarding the draft License on August 18, 2015. EGLE also participated in a meeting for the public with Detroit Councilman Scott Benson and representatives of USE on August 31, 2015. EGLE extended the public comment period twice, once to September 12, 2015, and the second time to October 12, 2015. The people attending these events were able to provide formal comment for the public record. The License application went under further review by the United States Environmental Protection Agency (U.S. EPA) and EGLE from 2015 through 2018, specifically for Waste Analysis Plan (WAP) modifications. On February 22, 2019, in response to petitions received about excluding community members due to language barriers, EGLE informed residents of the reopening of the public comment period. The notice, provided in English, Arabic, and Bengali, included details on how to provide public comment for the record. The notice also identified how to attend an open house and public meeting on March 28, 2019, to learn more about the License.

This Responsiveness Summary contains EGLE's response to all significant comments (comments received many times or that can be addressed within the scope of this license process) received during the public comment periods. The comments have been summarized and similar comments grouped together. The comments are presented in *italics* in alphabetical order by topic, and EGLE's responses are presented in regular type following each comment.

Changes to the public-noticed draft License, as a result of comments received during the formal public comment period, are addressed under the License Changes Section of this document on page 21.

## COMMENTS

### I. Want and Need Viability

- A. *There does not appear to be a want for this facility by the residents as evidenced by the comments received.*

EGLE has consistently maintained, and Michigan courts, including the Michigan Court of Appeals have agreed, that EGLE does not have the authority to consider whether the facility is needed or wanted when deciding whether to issue or deny a license. Section 11110 of Part 111 does not establish “want or need criteria” for licensing. EGLE is required under §11110 to assess the overall capacity needs in the state for the purpose of identifying capacity shortfalls and the means to eliminate them, not to keep new facilities from being developed. Part 111 contains no provisions for EGLE to deny a license based on lack of need or local support for the facility.

Ultimately, EGLE does not have authority to deny a license based on public support or opposition.

- B. *What is the facility doing for the community? What can the city do regarding the host community agreement?*

EGLE has no legal authority to require a community agreement. There is a Host Community Agreement (HCA) in place between USE and the City of Detroit under a Wayne County ordinance, but EGLE is not a party to that agreement. Wayne County and the City of Detroit are currently working with USE to enhance the relationship between the facility and the residents through a renegotiated HCA.

### II. Compliance and Enforcement

- A. *The company US Ecology has had numerous violations at this location in the past and has a record of being in violation of U.S. EPA standards at its other operations in Texas and Nevada.*

When USE has had violations, the facility quickly responded, correcting the problem causing the violation, returning the facility to compliance. EGLE will continue to provide diligent oversight, including unannounced inspections as well as responding to any reported events (from the city, facility, public, etc.), to ensure that the USE facility is operated in accordance with the License, related permits and waste regulations. Regarding the numerous “150” violations which was reported in the Detroit Free Press’s November 2016 article on USE – the majority of these were pH exceedances, not violations of the Great Lakes Water Authority permit. The Great Lakes Water Authority and EGLE investigated and

found a pH meter had been improperly installed and was taking frequent (every five minutes) incorrect readings. The Great Lakes Water Authority issued an order that required USE to reinstall proper equipment with contractor guidance. It was found that the pH of these batches fell within acceptable ranges for pH, and therefore in compliance with the Great Lakes Water Authority permit.

- B. *Who will be monitoring the monitors to make sure the best interest of the residents and the City is being placed first? How often are safety tests conducted? What does it entail and who is conducting the tests? Voluntary compliance and self-monitoring do not work.*

The facility's compliance requirements are listed in the License. These requirements are specific to the activities at the facility. Compliance with the License is mandatory, not voluntary. Should EGLE determine that USE has failed to comply with the License or Part 111, EGLE will take action to enforce the License and rules. The facility is required to conduct operational and environmental monitoring under the License. The monitoring information is required to be recorded and maintained at the facility and/or provided to EGLE or the local municipality. USE performs daily, weekly and monthly inspections of the facility operations. The details are included in Attachment 2 of the proposed License. EGLE and Great Lakes Water Authority (GLWA) do not rely solely on self-monitoring to determine compliance., EGLE conducts a minimum of four unannounced compliance inspections each year, and monitoring inspections, along with follow up site visits. GLWA also performs inspections and collects samples to verify compliance with the wastewater discharge permit. EGLE also receives a copy of monthly environmental monitoring reports sent by USE to GLWA. EGLE uses these details to compile an environmental "report card" that shows USE's compliance status.

- C. *What does EGLE do if they find a violation?*

If a violation 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 under the hazardous waste laws and rules. There are risks in managing chemicals and hazardous waste. To minimize the risk, EGLE establishes specific design, construction, and operational requirements to prevent releases. The requirements also ensure the operations at hazardous waste treatment and storage facilities do not present a hazard. 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 under the hazardous waste laws and rules.

- D. *Would EGLE consider publishing a report card on USE, including:*  
*a) exceedances of effluent discharge limits by date, type and amounts and*  
*b) time elapsed between report of exceedance and compliance?*

An environmental report card with this data was assembled and is available on-line at [www.michigan.gov/usecologydetroitnorth](http://www.michigan.gov/usecologydetroitnorth). The report card includes a summary of the samples collected and analyzed. Where a limit is exceeded, it also identifies the sample dates, parameters with the exceedance, the measured concentration and the parameter limit in the GLWA wastewater discharge permit. An exceedance is flagged and the date the parameter was returned to compliance is identified. The time of out of compliance is also noted. The report card will be updated semiannually, and EGLE will send a notice to the people on the facility email list when it is updated.

### III. **Groundwater Discharge and Great Lakes Water Authority (formerly Detroit Water and Sewerage Department) Discharge**

- A. *The current infrastructure is totally inadequate for the current operation and its expansion. The request to dispose of waste into the GLWA sewers shall not be honored with a permit. The Clean Water Act was enacted to protect the public right to clean and safe water. It is a basic human right. Detroit's water system is already struggling to correct its combined sewer overflow problems. Approval of this permit will NOT remedy this problem but will only exacerbate it.*

The existing wastewater discharge permit between USE and GLWA was renewed by GLWA. The renewed GLWA permit did not contain an increase in the discharge volume allowed. Approval of this License **does not** increase the amount of liquid discharged to the GLWA sewer. The expansion does not include an increase in liquid treatment volumes.

- B. *If spills are flushed into the sewer system, is it contaminating our air, soil and water?*

The facility is designed and operated to prevent spills. If a spill were to occur, the facility is designed to prevent them from accidentally reaching the sewer system. In the event of a spill, the facility would not flush the spill into a sewer opening. The facility is required to collect all spilled material from the containment structure. The collected material must be either disposed of at a licensed landfill or treated prior to being discharged as a permitted discharge to the sewer system.

- C. *Will any waste material be transferred to the surrounding citizens' water supply? How will EGLE monitor the surrounding citizens' water supply to ensure that the water is not being contaminated?*

No waste material will be transferred to the water supply. The facility is designed and constructed to prevent a release of waste material to the surrounding environment (air, soil and water). The GLWA supplies water for the surrounding citizens. GLWA retrieves water from the Detroit River, Lake Huron and Lake St.

Clair, not groundwater. The GLWA monitors the water supply and EGLE monitors the GLWA to ensure the water is not contaminated. The GLWA is required to treat all the water prior to distribution to the citizens' water supply.

- D. *There were concerns of foam backing up out of the catch basin across the street. Called 911 and the fire department responded and washed the foam down the sewer drain.*

EGLE did receive a complaint of foam coming up from the storm sewer at Georgia and Sherwood Streets on September 10, 2013. The source was identified as USE. EGLE referred the complaint to GLWA's Industrial Waste Control Division (IWC), (313)-297-5850, for investigation and follow up.

The entries in the Emergency Response Report in GLWA's Industrial Pretreatment Program Annual Report for 2013 indicate that there was a suspected blockage in the sewer which caused the discharge from USE to back up in the sewer and the foam to come up through the catch basin. The USE representative told GLWA that they did not use foam and did not understand why the discharge was foaming. The GLWA directed USE to treat the wastewater with a foam suppressor prior to discharge. The IWC contacted GLWA Asset Maintenance Division and they sent a crew out several times to clean the sewer and look for blockages.

If ever you see something that is concerning and/or looks like an environmental discharge, please call our Pollution Emergency Alert System. You can report what you saw, when and where it occurred, and any other details that may be relevant in determining 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 human health and the environment. The number to the Pollution Emergency Alerting System hotline, which has operators to assist available 24 hours a day 7 days a week, is 800-292-4706.

- E. *Has USE had its effluent tested for PFAS?*

Per- and polyfluoroalkyl substances (PFAS) are a group of manmade chemicals that are becoming contaminants of emerging concern. The latest permit GLWA issued to USE, effective September 2, 2019, requires effluent to be tested for a total of 24 different PFAS.

- F. *There was a request to develop and publish a quarterly report card of wastewater discharge data to the GLWA sewer.*

EGLE developed an environmental report card summarizing the wastewater discharge reporting data. The report will be routinely updated and available at [www.michigan.gov/usecologydetroitnorth](http://www.michigan.gov/usecologydetroitnorth).

- G. *Why is USE paying large sums of money to GLWA without disclosing the amount?*

USE pays GLWA to treat their wastewater, just as a citizen would. EGLE does not have the authority to require public disclosure of this financial information.

#### **IV. Financial Requirements**

- A. *How much money is being set aside to take care of remediation if something goes wrong?*

USE has pollution liability coverage for sudden and accidental occurrences in an amount of \$1,000,000 per occurrence with an annual aggregate of \$2,000,000. USE has also complied with the financial capability requirements for financial assurance for closure of the aboveground treatment and storage portion of the facility (i.e., no longer conducting the hazardous waste treatment or storage operations) based on the costs of a third party completing the closure. Part 111 also provides for financial assurance for corrective action (i.e., an action determined by EGLE to be necessary to protect public health, safety, or welfare or the environment, that includes, but is not limited to, investigation, cleanup, remediation, monitoring, containment, treatment, storage, management, temporary relocation of people, and provision of alternative water supplies, or any corrective action allowed under Title II of the Solid Waste Disposal Act or its regulations). Under the Resource Conservation and Recovery Act, the landowner is liable for corrective action on-site and any contamination that migrates off-site; USE is liable for all future corrective action unless they sell the property, where the new owner would be liable. EGLE does not have the authority to require public disclosure of financial information beyond the financial assurance requirements.

EGLE has determined that the License application meets the required financial requirements, with adequate financial assurance in place for closure and liability coverage.

#### **V. Human Health and Safety**

- A. *The present facility is not suitable for expansion of USE. It has no setbacks, no landscaping and is unsightly to the surrounding residential community. It was evident that the site is too small to adequately house continued operations of USE and its proposed expansion. The facility is located in an environmental justice area, near churches, schools and residential homes.*

Part 111 and its rules contain specific requirements for the design, construction, and operation of treatment and storage facilities, like the USE facility. The proposed facility expansion meets the requirements of Part 111 for the location, including setbacks and the proximity to churches, schools and residential

homes. This facility is located on a parcel zoned “intensive industrial” by the City of Detroit. In addition, this area has been identified as the “I-94 Industrial Park” by the City of Detroit and has multiple new industrial sites constructed across the street of the USE facility. This facility has been in the current location operating as a permitted hazardous waste treatment and storage facility since 1984. The property was established as an industrial site prior to 1930. In the mid-1970s the site managed acids for the steel industry.

**B. *Why are releases to the environment allowed by USE or this permit?***

No discharges to the environment are allowed at this site under the License, nor is any disposal to be authorized under the License. Discharges from the facility are authorized by separate permits from EGLE Air Quality Division and Great Lakes Water Authority. The License would only allow storage and treatment of hazardous waste at the site. Within a year of accepting the hazardous waste, the waste must be shipped off-site following storage and/or treatment for further handling and disposal at a location authorized to accept the waste. The conditions included in the License are designed to prevent any release and to prevent any exposure to the materials stored and treated at this location. The License includes 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.

A comprehensive WAP must be followed under the License. The waste analysis process detailed in the WAP involves the company taking specific steps to verify the nature of the incoming waste before and after shipment to the Georgia Street location. This ensures that the company can properly manage, store, and treat incoming waste.

**C. *There were comments on how the existing facility and the proposed expansion would impact the area. Commenters asked why an impact study was not done.***

The City of Detroit health officer conducted an evaluation of impacts from the USE facility. The City of Detroit asked EGLE for a delay in issuing the permit to conduct the study. This request was made on May 6, 2016 and EGLE agreed to delay the license action. After the requested two-week period, EGLE asked for the results of the study. No official results were provided, but verbally EGLE was informed the acceptance and processing of Technological Enhanced Naturally Occurring Radioactive Materials (TENORM) was the biggest concern. TENORM is addressed as its own topic in Section X of this document beginning on page 16.

Part 111 and its rules contain specific requirements for the design, construction, and operation of aboveground treatment and storage facilities as outlined primarily in Part 5, Construction Permits and Operating Licenses, and Part 6, Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities, of the Part 111 rules. In fulfilling its role of protecting human health, safety, welfare, and the environment, EGLE must ensure that a facility meets the stringent technical requirements that are developed at the federal level and further enhanced at the state level under Part 111. Both the federal and the state programs start with the presumption that a facility will operate in compliance with its License. Margins of safety are built into the technical requirements governing hazardous waste management at treatment, storage, or disposal facilities. The risks associated with various methods of hazardous waste management are considered and technical requirements are developed that account for such risks. These requirements are specific to the management method., and the enforcement of these requirements prevent impacts to the surrounding area.

EGLE's mission is to protect human health and the environment. Through engineered controls and protocols, risk to human health and the environment is minimized by design. To minimize harm in the event of an accident; the License also contains a contingency plan with specific provisions that are to be implemented during an emergency. Ultimately, a long-term impact study on the health of residents in the area is the duty of the local health department or the Michigan Department of Health and Human Services.

D. *There were concerns about possible odors.*

The License does not authorize USE to cause an odor nuisance in the community. The emission controls at the facility are designed to prevent an odor nuisance. All aboveground hazardous waste activities are conducted inside the building where air emission controls are required. Persons who feel that the facility is creating an odor nuisance can contact EGLE, Air Quality Division (AQD), Detroit District Office at (313) 456-4700. This will allow them to investigate and work to resolve any concerns.

**VI. Miscellaneous**

A. *The ratio of in-state/out-state waste that will be handled by USE is not clearly defined. Other commenters also asked where the waste was coming from and the scope of the customer base.*

Where the waste originates is not a criterion EGLE can address in licensing because it is not addressed in the hazardous waste laws and rules. Therefore, this information was not gathered as part of the License application. However, USE reports that 60 to 70 percent of the waste handled at this facility are from Michigan clients.

*B. What new chemicals will be processed if the permit is approved?*

The expansion also includes 30 new waste codes (identifiers for hazardous wastes) that USE is allowed to handle. The new waste codes are listed in the Table I on page 25. Eight waste codes in the existing USE license are being removed in the new license.

*C. How did USE acquire the land the facility exists on?*

When USE acquired Dynecol at 6520 Georgia Street, the lot was horseshoe shaped. In 2015, a land swap deal was made between the Economic Development Corporation of the City of Detroit and USE to obtain the middle parcel. This land parcel is referenced as 001713, Ward 15 or commonly as 8917 Girardin and is 0.99 acres.

*D. How was environmental justice considered in this licensing action?*

EGLE used the U.S. EPA program, EJSCREEN, to assist in determining if the area around the USE facility was an environmental justice area in 2015 and 2018. After determining the area was an EJ area, EGLE performed enhanced public participation by sending a public notice to the residents within a one-mile radius of the USE facility. EGLE also offered to translate key documents related to the License for those who needed a non-English version.

In response to concerns expressed during outreach efforts, EGLE will establish a repository for documents related to the USE facility licensing at a local branch of the public library. At this time, the repository will be at the Knapp Branch of the Detroit Public Library located at 1330 Conant, Detroit, MI 48212. The repository will include the final License, Notice of Final Decision and the Responsiveness Summary. In addition, future documents related to the facility hazardous waste operations licensing will also be placed at this location.

In July 2018, EGLE received petitions containing over 500 signatures stating EGLE had been inadequate in ensuring language barriers did not exclude people with limited English proficiency. In the months after, EGLE met with Great Lakes Environmental Law Center and community leaders to discuss expectations surrounding the petitions received, and to receive firsthand information as to how to best meet the needs of the community.

On February 22, 2019, the public comment period was reopened. The public notice informing the community of the reopened public comment period was published in English, Arabic, and Bengali. A flyer for the public comment period was also published in English, Arabic, and Bengali and given to community leaders for distribution. A week later, the facility fact sheet and action summary were posted on the facility webpage at [www.michigan.gov/usecologydetroitnorth](http://www.michigan.gov/usecologydetroitnorth) in English, Arabic, and Bengali, as well.

On March 28, 2019, a public meeting was held with an open house question-and-answer session followed by a formal public comment opportunity. The term “meeting” was used to facilitate dialogue, as during a public hearing EGLE cannot respond to questions. During the meeting, the meeting agenda, fact sheet and action summary were also available in English, Arabic, and Bengali. Two Arabic translators and two Bengali translators were available during the entire public meeting. Local community leaders assisted EGLE in translation services. Translated formal comment forms were also provided, allowing attendees to submit written formal comments in English, Arabic, or Bengali. The public comment period remained open until April 12, 2019.

E. *Why was it necessary to change the name of the company? What is the reason for the expansion?*

The previous company, Dynecol, was purchased by US Ecology. US Ecology made a business decision based on assessing the market (locations of generators, competition, economic trends, available technology, etc.) to develop new capacities for this existing facility.

F. *How long will waste be stored at the site? What type of containers will be used for storage?*

The permit allows a waste to be stored at the facility for a maximum of one year. Most wastes will be stored for less than that. Waste will be stored in tanks and containers. The containers can be small buckets to 20 cubic yard roll-offs.

G. *Will there be underground storage tanks?*

No underground storage tanks are proposed for the facility. There are, however, three in-ground treatment tanks that are not used for storage.

H. *What effects will this expansion have on global climate change?*

The conditions included in the license are designed to prevent any release and to prevent any exposure to the materials stored and treated at this location. Without contact with the environment, licensed treatment activities at USE have little expected influence on climate change.

I. *What considerations have been given to the precautionary principle?*

The mission of EGLE is to protect Michigan’s environment and public health by managing air, water, land, and energy resources. We do this in part by making reasoned decisions within the bounds of state and federal laws and informed by science. The decision to renew and expand the operating license for USE has been made pursuant to state law. The relevant statute does not authorize EGLE to consider the precautionary principle. However, we believe the decision has

satisfied the precautionary principle as hazardous waste management is not an emerging field and there is a large body of scientific knowledge about how to properly manage hazardous wastes; we have a high degree of certainty about appropriate requirements to properly manage hazardous waste. Those requirements have been codified in Part 111 and its administrative rules, Michigan Administrative Code R 299.9101 *et seq.* and passed on to the facility operators through the operating license.

## **VII. Preparedness and Prevention**

- A. *There was a recommendation that a “hazard community communication plan” be developed and made available in all forms of media.*

The contingency plan provides the details on how an emergency will be managed. This includes communication to the local community emergency agencies. The Host Community Agreement between the facility, the county and city may also contain a communication plan. The Detroit Office of Homeland Security and Emergency Management prepares plans and actions for emergency situations such as this, as well as alerts via emergency notifications and media.

- B. *The updated and approved contingency plan must be distributed to the required parties and confirmation of their receipt of the plans verified by EGLE.*

License Condition II.F and the Contingency Plan, Attachment 4, of the License require the licensee to provide contingency plan updates to all required parties. This is done by certified mail or other tracking method to ensure receipt.

- C. *The U.S. EPA developed new Waste Analysis Plan Guidance during the application review process for land disposal restrictions. How will this new guidance be incorporated into the proposed License?*

A meeting between the U.S. EPA, EGLE and USE was conducted from December 8, 2016, through the December 9, 2016. The purpose of the meeting was to evaluate the facility operations and how those operations were addressed in the WAP. The U.S. EPA provided comments on the WAP to EGLE. EGLE and USE modified the WAP to address the U.S. EPA comments. The WAP remains subject to modification to address new guidance as it is developed to ensure proper waste characterization and disposal is being performed.

## **VIII. Air, Soil, and Groundwater Monitoring**

- A. *Monitoring for particulate matter is addressed in the ambient air monitoring program, but it may be geared more toward particulate matter generated by their stabilization process using lime. There is no reference in the draft operating license to best or reasonably available control measures (BACM or RACM) for all fugitive dusts generated at the site including the gravel parking lot.*

The purpose of the ambient air monitoring program is to determine USE's contribution to atmospheric concentrations of air pollutants from all sources at the facility, including the fugitive dust from the parking areas. In the event the air monitoring program detects a violation of Part 55, Air Pollution Control, of the Michigan Natural Resources and Environmental Protection Act, 1994 Act 451, as amended, then control measures would be implemented as directed by the EGLE, AQD.

- B. *Attachment 1 – Ambient Air Monitoring Program: In 1994, Wayne County Air Quality Management Division waived cadmium, copper, nickel, and zinc from monitoring requirements based on data from previous years. Given the increased volume of waste expected to be processed, will these parameters be reinstated by EGLE to the ambient air monitoring program?*

The parameters cadmium, copper, nickel, and zinc have not been reinstated. EGLE, AQD has reviewed the License application including the increased volume of waste to be processed. The existing USE air use permit conditions requiring control devise(s) have not been relaxed to allow an increase in emission. Fugitive dust conditions will be reduced due to the pavement being added.

- C. *How many air monitors will be used at the new facility? What are they monitoring for from the air? Are they monitoring for volatile organic compounds?*

The ambient air monitoring program will have three monitors at the facility. The ambient air monitoring program parameters include total suspended particulates, arsenic, lead, and chromium. Volatile organic compounds are not part of the ambient air monitoring program parameters. However, the air permits to operate have requirements that limit and control the volatile organic compounds from the process. The AQD continuously reviews the analytical data provided to determine if the air monitoring is sufficient.

- D. *There were comments concerning dust everywhere and reports of people in suits cleaning up dust. What are the effects of the dust for residents?*

The USE facility is not a particulate source. It does not generate fugitive dust from the processing of waste. All operations that emit dust are contained in an enclosed building that is kept under negative pressure. The air exhaust from the building is sent through control devices that remove the particulates prior to the air being released to the outside as required by USE's air permit.

The monitors at USE sample for road-dust particles because the purpose of the monitors was to help assess if the paved parking lot was causing a nuisance dust issue. The monitors have also sampled nuisance dust from construction and surrounding roadwork since their installation. In addition, EGLE has a large network of regulatory particulate monitors in Detroit, and those monitors are

meeting the federal standards that are health-based. EGLE, AQD, is not aware of the incident where “people in suits” were cleaning up dust.

EGLE recommends that when citizens observe or have concerns about dust, to contact EGLE, AQD Detroit District Office at 313-456-4700. EGLE staff will come out, investigate and take samples of the dust for laboratory analysis.

*D. What about the pollution in the air from burning?*

The USE facility does not conduct any burning and is not permitted to do so. If such activity is ever observed, this should be immediately reported to EGLE AQD Detroit District Office at 313-456-4700 or the PEAS hotline at 800-292-4706.

*E. Why is USE granted groundwater monitoring and soil monitoring waivers?*

The waiver from the soil monitoring requirements was granted because no hazardous waste is to reach the soil based on the facility design and operating requirements. All areas where hazardous waste is handled must be paved with concrete or asphalt. In specified areas, such as the container management building storage bays and the treatment area unloading pad, the paved areas are also coated with chemical-resistant materials to further enhance the design and prevent any release to soil from the storage and treatment activities.

USE also received a revised waiver from the groundwater monitoring requirements on June 19, 2017. A previous waiver had been issued to Dynecol, but it was pointed out in the public comment process that a small portion of the hazardous waste operation was not fully under a structure that provides protection from precipitation and runoff, which is a requirement for the waiver. USE applied for, and was granted, a revised waiver based on site geology and a finding from EGLE that there is no potential for migration of liquid from the facility to reach the uppermost aquifer during the life of the facility. The site has groundwater that is generally not drinkable, and the greater Detroit area is supplied with drinking water from GLWA. Most of the information relied upon in waiving the groundwater monitoring requirements is found in the November 1, 1994, Hydrogeological Information section of the U.S. Ecology Detroit North (formerly Dynecol) Permit Application. Previous groundwater investigations from 1981, 1983, and 1988 are also summarized in the document referenced above.

**IX. Public Participation**

- A. *There was an objection to the comment deadline falling on Saturday, September 12, 2015, not a normal business day, and any comments submitted by midnight Monday, September 14, 2015, should be accepted as timely filed. Comments were received indicating the comment period should be extended to allow for*

*further review of the application and providing more time for public input on this important regulatory decision with environmental justice implications.*

All comments that are postmarked the day the comment period ends are accepted as timely filings. The initial comment period was extended twice, once from August 28, 2015, to September 12, 2015, and a second and final time to October 12, 2015. The public comment was reopened again on February 22, 2019 and closed April 12, 2019.

- B. *There was an objection to the unwillingness or inability of EGLE in not uploading the entire application file to its internet website.*

EGLE was unable to load the entire License application to our internet website due to space restrictions. The website page states that if an electronic copy of the complete License application were desired, to contact Mr. Richard Conforti or view them at the Warren (formerly Southeast Michigan) District Office.

- C. *There was concern that the notice mailed to residents was not understandable.*

EGLE received feedback that the readability of the 2015 notice was poor. For the 2019 public comment period, the public notice was paired with a flyer and meeting agenda to help disseminate information in plain language. EGLE will provide more detail in future notices so that the message conveyed is easy to understand.

- D. *It was stated at the August 18, 2015, hearing that the public could review the USE draft License at The Knapp Public Library on Conant; however, this was not ever possible because Knapp Library was closed then and remains closed to the date of this letter. Not everyone can download programs online or make the trip to EGLE field office at Cadillac Place, where parking is costly; therefore, the lack of information has made it difficult for the public to study this issue to give intelligent feedback. Further, the whole public hearing process at the Hamtramck Library was a sham because it was stated that "no responses would be given to the public's questions" at that time. No questions were answered at the hearing.*

It was stated that the Knapp Public Library will be used as a repository for documents in the future. As of this date, the Knapp Public Library is open. In the event the library does close, another local branch will be identified and used as the repository. At the time of the first public comment period in 2015, there were three document repositories, all of which were EGLE offices. One was in Lansing, one was in Detroit, and the third in Warren. The purpose of the public hearing itself is to receive testimony only. EGLE staff were available to speak with the public after the close of the public hearing. Additionally, EGLE staff contact information was provided in the various mailings, notices, and at public information repositories for people with questions to get answers. As a result of the large public interest, a public availability session and meeting was organized

and held August 31, 2015, to provide opportunities for questions and answers from EGLE and USE.

- E. *The entire public hearing process has not been conducted fairly or openly. A nonprofit organization registered with the City of Detroit receives notices for zoning hearings and other Public hearings; however, it did not receive any notice for the initial EGLE meeting that was held at the Hamtramck Public Library on August 18, 2015, or to any prior hearing that approved USE when it first opened. Why was the community notified after the decision to expand had been made? Further, why did EGLE hold the Aug. 18, 2015 public hearing at the Hamtramck Public Library when USE is clearly in the City of Detroit?*

The public participation process is adequate and in compliance with Part 111 and its rules. The applicant, USE, provided the required notice regarding a pre-application meeting for the expansion and conducted the meeting in November 2012. EGLE provided notice of the public hearing, information on how to access the documents via the internet, and at various EGLE offices, and the opportunity for comment. This notice was provided to the local newspaper, a local radio station, and the facility mailing list, along with county and city officials. The notice was posted on EGLE's electronic calendar, and the City of Detroit's web page. In addition, the notice was sent by U.S. postal mail to the residents within a one-mile radius of the facility as part of the enhanced public participation process considering environmental justice concerns. The Hamtramck Public Library was chosen because it was the closest public building to the facility, allowing the residents close to the facility the best ability to attend the hearing.

- F. *The March 28, 2019, meeting was executed poorly, and information was not readily available. How do you intend to remedy this?*

The March 28, 2019, public meeting was designed to share information about the License action and to provide a meaningful opportunity for the community to get answers to their questions from EGLE staff. The meeting materials were developed to address language barriers previously overlooked. While technical difficulties were experienced during the meeting, the goal of the public meeting was still achieved. The enhanced public participation for this relicensing action is also to be used as a foundation for EGLE, Materials Management Division's future public engagement processes.

- G. *If the area is zoned "intensive industrial," how are there homes with families inside of this zone?*

USE's location is currently zoned "M4" or "intensive industrial" by the City of Detroit Zoning Division. Nearby property on Mt. Elliott Avenue is zoned "R2" or "two-family residential." EGLE does not regulate city zoning actions under the city ordinance.

H. *Why would I want such a health and environmental risk in my backyard?*

There are risks in managing chemicals and hazardous waste. To minimize the risk, EGLE establishes specific design, construction, and operational requirements based on state and federal law to prevent releases and ensure the operations at hazardous waste treatment and storage facilities do not present a hazard. While the risk can't be reduced to zero, legal management of hazardous waste is better for human health and the environment than mismanagement or no management of hazardous waste.

X. **Technically Enhanced Naturally Occurring Radioactive Materials (TENORM)**

A. *There were comments concerning whether the proposed License would expand the acceptance and processing of TENORM at the facility. Notwithstanding the euphemistically-driven language in the Fact Sheet and other documents posted online, wherein there is avoidance of admitting the fracking connection, U.S. Ecology is evidently expanding its facility in Detroit in significant part to handle the treatment and disposal of drilling wastes, i.e., wastes from hydraulic fracturing for oil and gas. The availability of materials onsite for, and equipment and infrastructure for, the downblending of radioactive fracking waste is indisputable, coupled with U.S. Ecology's history of handling radioactive waste materials.*

The License and expansion has absolutely nothing to do with the TENORM that has historically been processed at this facility. TENORM is not regulated under the hazardous waste requirements; therefore, the hazardous waste License would not address the acceptance or processing of TENORM. USE has voluntarily ceased accepting TENORM at this facility. This is documented in their Host Community Agreement with the City of Detroit. The processing was handled in the solid waste processing area and could have continued, and possibly increased, even if the proposed License expansion was denied.

Before USE began accepting and processing TENORM, USE registered with the MMD, Radiological Protection Program. The Radiological Protection Program staff reviewed USE's work plans and processes for handling the TENORM. The facility at the time was authorized to operate one mixing bin, Pit Number 1 in Building 4, for TENORM processing.

There is nothing in the USE hazardous waste License application that suggests USE plans to add TENORM processing capacity. The available on-site materials and equipment are the result of the solidification processing of solid waste storage that is separately licensed under the authority of Part 115, Solid Waste Management, of the Michigan Natural Resources and Environmental Protection Act, 1994 Act 451, as amended and its rules. USE's solid waste storage and processing must be performed in accordance with their solid waste license. For

information on USE's solid waste license, please contact MMD, Solid Waste Program staff at 586-753-3852.

- B. *It is likely that the radiation detection equipment at U.S. Ecology is either nonexistent or grossly inadequate, if there is any. There is no evidence in the documents on the internet that workers or members of the public, in the affected neighborhood areas through which trucks delivering or removing radioactive fracking waste will travel, have adequate advance data concerning the cargoes. Based upon the previous statements, there was opposition to the expansion of USE's facility which would allow large amounts of radioactive materials to be treated as if they are minimally or nonradioactive. No analysis provides estimates or limits on the amount of radioactive material the site could accept, treat, store and release (intentionally or inadvertently) in the locale of the USE plant. No investigation suggests the levels of radiation to which the neighborhoods surrounding USE will be exposed, via air or flow of water offsite, despite the fact that there will routinely be airborne, and possibly waterborne, radioactive emissions from fracking waste in-route to or from the site, and in storage at the site.*

Under federal law, TENORM is not regulated as a hazardous material by the United States Department of Transportation (U.S. DOT) regulations. The U.S. DOT may require placarding of shipments of TENORM if the shipment exceeds specified activity concentrations. Because TENORM is not regulated as a hazardous waste, it is not required to be treated at a hazardous waste facility. The USE site is authorized to process hazardous waste, but it is not prevented from processing non-hazardous waste as well. USE applied to process TENORM, which was reviewed and approved by the Radiological Protection Program. As a result, a Radioactive Materials Registration was issued to the facility which included specific registration conditions concerning the types of radioactive materials that could be processed, steps that must be taken to protect public and worker health, and steps to ensure the materials are properly managed. As previously noted, USE has voluntarily stopped accepting TENORM waste and has committed in their Host Community Agreement not to resume this activity.

- C. *While the USE facility has thermal and catalytic vapor incinerators, there is no mention of monitoring for radioactivity, or capturing it in the online License materials.*

The License documentation does not mention the monitoring of the radioactivity in the thermal or catalytic vapor incineration processes at the USE facility because there are no incineration processes at the facility. The proposed expansion does not include any incineration processes, thermal or catalytic vapor. As previously noted, USE has voluntarily stopped accepting TENORM waste and has committed in their Host Community Agreement not to resume this activity.

- D. *None of the waste acceptance, monitoring, training or emergency response and remediation plans mentions plans for dealing with radioactive materials, wastes, emissions or releases.*

The WAP of the USE facility License application includes the statement that the facility will not accept radioactive mixed waste. This prohibition also applies to low-level radioactive waste subject to regulation under the Atomic Energy Act of 1954, as amended. TENORM is not a regulated hazardous waste. Therefore, it is not addressed in this hazardous waste licensing action and none of the license documents listed discuss dealing with radioactive materials. The Radioactive Materials Registration documents would include conditions concerning the types of radioactive materials that could be processed, steps that must be taken to protect public and worker health, and steps to ensure the materials are properly managed. As previously noted, USE has voluntarily stopped accepting TENORM waste and has committed in their Host Community Agreement not to resume this activity. For information on USE's Radioactive Materials Registration, please contact MMD, Radiological Protection Program staff at 517-284-6581.

- E. *The construction and operation of the facility as contemplated by the permitting-related documents available online presents a hazard to public health and the environment. The applicant has not submitted sufficiently detailed or accurate information for the public to comment more specifically about the dangers (because of the disingenuous euphemizing around the receipt, handling and disposal of fracking wastes) and to enable EGLE to make a reasonable judgment on whether to issue the License.*

The USE License application provided the necessary amount of information EGLE would need to evaluate the management of hazardous waste against the criteria for the License application specified in Part 111 and its rules. The application did not avoid the receipt, handling and disposal of fracking wastes (TENORM) because Part 111 and its rules do not regulate TENORM. As previously noted, USE has voluntarily stopped accepting TENORM waste and has committed in their Host Community Agreement not to resume this activity.

- F. *The facility states in the application "facility does not accept mixed radioactive waste". This is astounding, since we know that many shipments of fracking sand have been shipped to this address from unconventional wells in Pennsylvania.*

The USE License application is correct in the statement of not accepting radioactive mixed waste. TENORM, also known as fracking waste, is not a radioactive mixed waste by definition and therefore not regulated under Part 111 and its rules. As previously noted, USE has voluntarily stopped accepting TENORM waste and has committed in their Host Community Agreement not to resume this activity.

## **XI. Transportation**

- A. *The additional trucks carrying waste to the facility put Michigan's environment at greater risk and create increased opportunity for noise pollution.*

Hazardous waste, hazardous materials, liquid industrial by-products, and solid waste are all transported safely across Michigan's roads and railways on a daily basis. The regulation of transportation businesses, and the need to have travel itineraries, special packaging, vehicle inspections fall under the authority of the Michigan Department of Transportation (MDOT) and the Michigan State Police (MSP), not EGLE. MSP performs motor carrier and vehicle inspections under the U.S. DOT program. For questions about U.S. DOT regulations for transporting of hazardous materials, please contact MSP at 734-780-6534.

EGLE implements the Michigan Hazardous Materials Transportation Act, 1998 PA 138 which requires a person transporting hazardous waste and/or liquid industrial by-product to obtain a permit and registration prior to transport. The transport authorization is obtained separate from the hazardous waste storage and treatment licensing. The transport permit must be renewed every three years and the transport registration must be renewed annually. To ensure proper response in the event of a transport incident, hazardous waste transporters are required to maintain fleet liability insurance for accidental occurrences in an amount not less than \$1,000,000 per occurrence. Transporters of liquid industrial by-products are required to maintain fleet liability insurance between \$300,000 and \$750,000, depending on the size of their fleet. USE is permitted and registered to transport both hazardous waste and liquid industrial by-product in Michigan. For questions related to USE's transporter permit and registration, please contact MMD, Transporter Program staff at 586-494-5091.

In addition to the transporter permit and registration requirements, the License includes additional safeguards by establishing a main transportation route for accessing the facility. Use of an alternate route in the event of unique circumstances requires EGLE and local government approval. The License also includes a daily limit on the number of hazardous waste trucks that can visit the facility.

The City of Detroit currently doesn't have a permissible noise level in a city ordinance. Hamtramck, four-tenths of a mile at its closest to the facility, has a noise restriction of 71 decibels during business hours and 105 decibels for construction projects on a property. EGLE does not enforce local ordinances, or lack thereof.

## **LICENSE CHANGES**

- A *There are many references to the previous owner, Dynecol, through-out the application and permit attachments and not USE. The documents should reflect*

*the name change and affirm that process and procedures are those followed by USE.*

The License has been revised to reflect this comment. The following sentence was added to Part I Standard Conditions: Throughout this License, the term Dynecol is synonymous with US Ecology or USE and any process or procedures related to Dynecol must be followed by USE.

- B. Part II General Operating Conditions (I) 4, Record Keeping and Reporting: Requests for environmental monitoring information or data will be handled through Buildings, Safety Engineering and Environmental Department - Environmental Affairs.*

The License has been revised to reflect this comment. Condition II.1.4 now reads: The licensee shall provide environmental monitoring information or data that is required pursuant to this License, to the Buildings, Safety Engineering and Environmental Department-Environmental Affairs of the city of Detroit that has jurisdiction over the facility. Such information or data shall be made available on the same day the licensee forwards this information to the MMD Director.

- C. Drawings A1-5 and SK-1 of Attachment 6 Engineering Plans refer to “possible container storage spaces” in a clearly outdoor area along the south side of proposed Building 5A. Outdoor storage invalidates the basis for USE’s groundwater monitoring waiver. The license must include a requirement that USE conduct groundwater monitoring.*

Both drawing A1-5 and SK-1 were incorrect in identifying the “possible container storage spaces”. There are no other references to possible container storage on the south side of Building 5A in the License application. In addition, storing containers at this location would interfere with the truck drive through on Building 4. Drawing A1-5 was corrected by removing the reference to the possible container storage spaces and drawing SK-1 was determined to be redundant and removed from Attachment 6. USE received a revised waiver from the groundwater monitoring requirements on June 19, 2017, because there is no potential for migration of liquid from the facility to reach the uppermost aquifer during the life of the facility.

- D. Attachment 4 - Contingency Plan: Updates are required, the City of Detroit Homeland Security and Emergency Management needs to be incorporated as an emergency contact.*

The City of Detroit Homeland Security and Emergency Management was added as an emergency contact to the Contingency Plan. The Contingency Plan is reviewed and updated on a regular basis by the facility.

- E. Condition V.B.1 has a spreadsheet identifying Tank 36 as a hazardous waste storage tank. Tank 36 is actually a treatment tank. Tank 36 collects floating floc from the DAF unit and is subsequently pumped back into the secondary treatment tanks. Tank 36 should actually be included in the spreadsheet in Part V(C)(1).*

Tank 36 has been removed from Condition V.B.1 and added to Condition V.C.1 of the License to address this comment. With the removal of Tank 36 from the storage tank inventory, the total volume of tank storage capacity is reduced from 177,200 gallons to 176,200. This volume change is also included as a change to Condition V.B.1.

- F. Condition III.B.4 of the previous permit included the container capacity storage of 60 yards of dewatered filter press sludge in the filter press building. There was no intention to eliminate this container storage quantity and it should be included in renewal in Condition IV.B. No increase in the 60-yard storage limit is requested, but a request to amend the specific wording to accommodate the use of dump trailers in addition to of roll-off boxes.*

License Condition IV.B.7 has been added to state: "The licensee may store no more than a total volume of 12,118 gallons of dewatered filter press sludge, generated from the treatment of the Acceptable Hazardous Wastes, Attachment 7 of this license, in a maximum of three containers, roll-off or trailer, holding no more than a combined total volume of 60 cubic yards of hazardous waste that may be stored in the Filter Press Building."

With the addition of Condition IV.B.7, the total volume of container storage capacity increased. License Condition IV.A. has been revised to state: "The existing and proposed hazardous waste container storage areas: Container Management Facility Building 4, Building 5A, and Building 5B shown in Drawings A1-4 (existing), A1-4, A1-5, SK-1, SK-2, SK-3, SK-4, CC-13-01(B), and CC-13-02(B) are covered by this license. Any expansion or enlargement beyond the facility boundary shown in Drawings A1-4 and A1-5 or beyond the 500,739-gallon storage design capacity requires a new operating license for the expansion, enlargement, or alteration of an existing facility from the Director. Drawings A1-4 (existing), A1-4, A1 5, SK-1, SK-2, SK-3, SK-4, CC-13-01(B), and CC-13-02(B) are incorporated into this license as part of Attachment 6, Engineering Plans."

With the addition of Condition IV.B.7, the total volume of container storage capacity increased. License Condition IV.B has been revised to state: "The licensee may store no more than a total volume of 500,739 gallons of Acceptable Hazardous Wastes, Attachment 7, of this license in containers at the facility, subject to the terms of this license. The maximum number of 55-gallon drum equivalents of hazardous waste that may be stored at the facility is 9,104 drums."

- G. *Condition IV.C.4 of the previous permit stated: The licensee may operate the treatment system 24 hours per day, 7 days per week, for no more than 312 days per year, or 7,488 hours per year. There was no intention to eliminate this condition and it should be included in renewal in Condition V.C.3.*

License Condition V.C.3 has been added to state: "The licensee may operate the treatment systems 24 hours per day, 7 days a week, for no more than 312 days per year, or 7,488 hours per year."

- H. *Many concerns regarding traffic were expressed, including the number of trucks and the route of the trucks to and from the facility.*

License Conditions II.S 1 to 4 have been added to state:

1. The licensee shall limit over-the-road hazardous waste transport vehicle deliveries to the facility to no more than a weekly average of 45 per day.
2. The licensee shall advise the drivers of all hazardous waste transport vehicles coming to and leaving from the facility to utilize I-94, Mt. Elliot Avenue, the section of Georgia Street between Mt. Elliot Avenue and Sherwood Avenue, and the section of Sherwood Avenue between Georgia Street and the two automatic slide gates on the north side of the facility and the one automatic slide gate on the east side. Vehicular access to the facility is from Sherwood Avenue through the gate(s) located on the east side or the north side of the facility. Vehicles enter at the gate and travel west to the facility's exit at the western gate on the north side of the facility. Alternate routing on classified roads is permitted if the specified route is blocked or in disrepair. The MMD Director may approve an alternate route proposed by the licensee, either on a permanent or temporary basis, if the route described above, is blocked or otherwise not available.
3. In the event an alternate route is required, the licensee shall report to the MMD Director by doing the following:
  - (a) The licensee shall notify the Hazardous Waste Section at 517-284-6562, if the need for an alternate route occurs Monday through Friday during the period of 8:00 a.m. to 5:00 p.m., except state holidays, or by calling EGLE PEAS at 1-800-292-4706 during all other times. This notice shall include the following:
    - (i) Information concerning the reason for the alternate route, (blocked, accident, repair work); and
    - (ii) A description of the alternate route to be used and the anticipated duration.

4. The licensee shall limit the vehicular traffic within the facility to the parking lots, driveways, and the loading/unloading areas. Figure A1-4 illustrates vehicle entrance and exit points.
- I. *A specific reference to the WAP limitation on the treatment of waste with an organics concentration of greater than or equal to 500 parts per million (ppm) is required.*

License Condition V.E.3 has been added to state: "The licensee shall not accept waste for treatment with an organics concentration of greater than or equal to 500 ppm. This condition is identified in the Subpart CC template to the WAP, Attachment 1, of this license."

- J. *The existing License included language for a groundwater monitoring waiver. Upon further review of the waste handling procedures at the treatment building and the requirements to obtain a groundwater monitoring waiver R 299.9612(3)(a)(i), EGLE determined the facility groundwater waiver conditions were no longer being met.*

The Facility requested a Groundwater Not in an Aquifer (GWNIAA) Determination. EGLE approved the GWNIAA determination. With this determination, the groundwater monitoring requirement is waived as there is no potential for migration of liquid from the facility to the uppermost aquifer.

- K. *Further clarification is required to the Land Disposal Restriction (LDR) post-treatment sampling requirements and procedures in the WAP for waste stabilization in Pits Number 1, 2 or 3.*

License Condition VIII.A.8 has been added to state: "The licensee shall submit proposed revisions to the WAP to the MMD Director for review and approval prior to the acceptance and treatment of waste for stabilization in Pits Number 1, 2, or 3. These revisions will address LDR post-treatment sampling requirements and other requirements as necessary. Upon approval, the revisions to the WAP become enforceable conditions of this license as a minor modification." USE is not able to accept wastes they plan to treat via stabilization or perform said treatment until the revised WAP is approved.

Table I.

Waste Code	Description
<b><i>New for Container Management Facility</i></b>	
001S	Aflatoxin
002S	2,3,7,8-Tetrachlorodibenzo-p-dioxin
003S	1,2,3,7,8-Pentachlorodibenzo-p-dioxin
004S	1,2,3,4,7,8-Hexachlorodibenzo-p-dioxin
005S	1,2,3,6,7,8-Hexachlorodibenzo-p-dioxin
006S	1,2,3,7,8,9-Hexachlorodibenzo-p-dioxin
007S	2,3,7,8-Tetrachloridibenzo furan
031U	Chlorinated dioxins (other than those listed in Table 202)
F020	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- or tetrachlorophenol, or of intermediates used to produce their pesticide derivatives. (This listing does not include wastes from the production of Hexachlorophene from highly purified 2,4,5-trichlorophenol.).
F021	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of pentachlorophenol, or of intermediates used to produce its derivatives.
F022	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzenes under alkaline conditions.
F023	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tri- and tetrachlorophenols. (This listing does not include wastes from equipment used only for the production or use of Hexachlorophene from highly purified 2,4,5-trichlorophenol.).
F026	Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of tetra-, penta-, or hexachlorobenzene under alkaline conditions.
F027	Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from these chlorophenols. (This listing does not include formulations containing Hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.).
F028	Residues resulting from the incineration or thermal treatment of soil contaminated with EPA Hazardous Waste Nos. F020, F021, F022, F023, F026, and F027.

<b>Waste Code</b>	<b>Description</b>
K140	Floor sweepings, off-specification product and spent filter media from the production of 2,4,6- tribromophenol; discarded commercial chemical product
K169	Crude oil storage tank sediment from petroleum refining operations
K170	Clarified slurry oil tank sediment and/or in-line filter/separation solids from petroleum refining operations
K171	Spent Hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors
K172	Spent Hydrorefining catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors
K174	Wastewater treatment sludges from the production of ethylene dichloride or vinyl chloride monomer
K175	Wastewater treatment sludges from the production of vinyl chloride monomer using mercuric chloride catalyst in an acetylene-based process
K176	Baghouse filters from the production on antimony oxide, including filters from the production of intermediates
K177	Slag from the production of antimony oxide that is speculatively accumulated or disposed, including slag from the production of intermediates
K178	Residues from manufacturing and manufacturing site storage of ferric chloride from acids formed during the production of titanium dioxide using the chloride-ilmenite process
U107	Di-n-octyl phthalate
<b><i>New for Treatment</i></b>	
D020	Chlordane
F039	Leachate resulting from the treatment, storage, or disposal of wastes classified by more than 1 hazardous waste number pursuant to R 299.9213 and R 299.9214 or from a mixture of wastes classified pursuant to R 299.9213 and R 299.9214. Leachate resulting from the management of 1 or more of the following hazardous wastes, and no other hazardous wastes, retains its original hazardous waste number or numbers: F020, F021, F022, F023, F026, F027, or F028.
K061	Emission control dust or sludge from the primary production of steel in electric furnaces
U134	Hydrofluoric acid or hydrogen fluoride