**SEMCOG**

# MEMO

Southeast Michigan Council of Governments
660 Plaza Drive, Suite 1900
Detroit, Michigan 48226
(313) 961-4266
FAX (313) 961-4869

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December 19, 1997

**TO:** Members of the Southwest Detroit Contaminated Sites Task Force

**FROM:** Patrick Brunett/Angela Banks

**SUBJECT:** Task Force Meeting

The next meeting of the Task Force will be held as follows:

**Thursday, January 8, 1998**
**10:00 a.m. - Noon (EST)**
**SEMCOG Main Conference Room**
**660 Plaza Drive, Suite 1900**
**Detroit Edison Plaza**

## AGENDA

I. Introductions - Pat Brunett

II. Review Agenda - Pat

III. **Detroit Coke - Mr. Alan Melcer, USEPA Region 5/ Mary Vanderlaan, MDEQ**

Melcer and EPA colleagues will present Detroit Coke issues and seek input from task force members. Vanderlaan will present MDEQ perspective.

IV. Coordination Activities
- Sector 5 (SW Detroit) CRS Final Recommendations - Angela Allen
- DEA Video and Manual - Kathy Milberg, Debbie Fisher

V. Management Sub-Committee Report on Funding and Staffing - Tom Andrews
- Sustainable Development Challenge Grant - Debbie

VI. Eco Development Conference Status Report - Robert Hunter

VII. Miscellaneous Reports

- RCA site progress - Kathy
- MDEQ Brownfields Site Assessment (EPA funded) for Ward Bakery - Debbie, Mary
- SEP Funds - Kathy, Mike Flowers
- American Heritage Rivers Application (see attachment) - Pat

VIII. Other Items from Members

IX. Upcoming Events

X. Next Meeting Date, Agenda

XI. Adjournment

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# Reaching SEMCOG at Edison Plaza

**Eastbound I-96**

Exit at northbound 1-75 (left exit) and keep left on exit ramp. Follow NB I-75 as ramp splits. When heading NB on I-75, get in far right lane for Grand River exit (approx. one mile). Turn right on Third Ave. (before Grand River). Go 4 blocks to Plaza Drive and turn left. Edison Plaza is on the left.

**Northbound I-75**

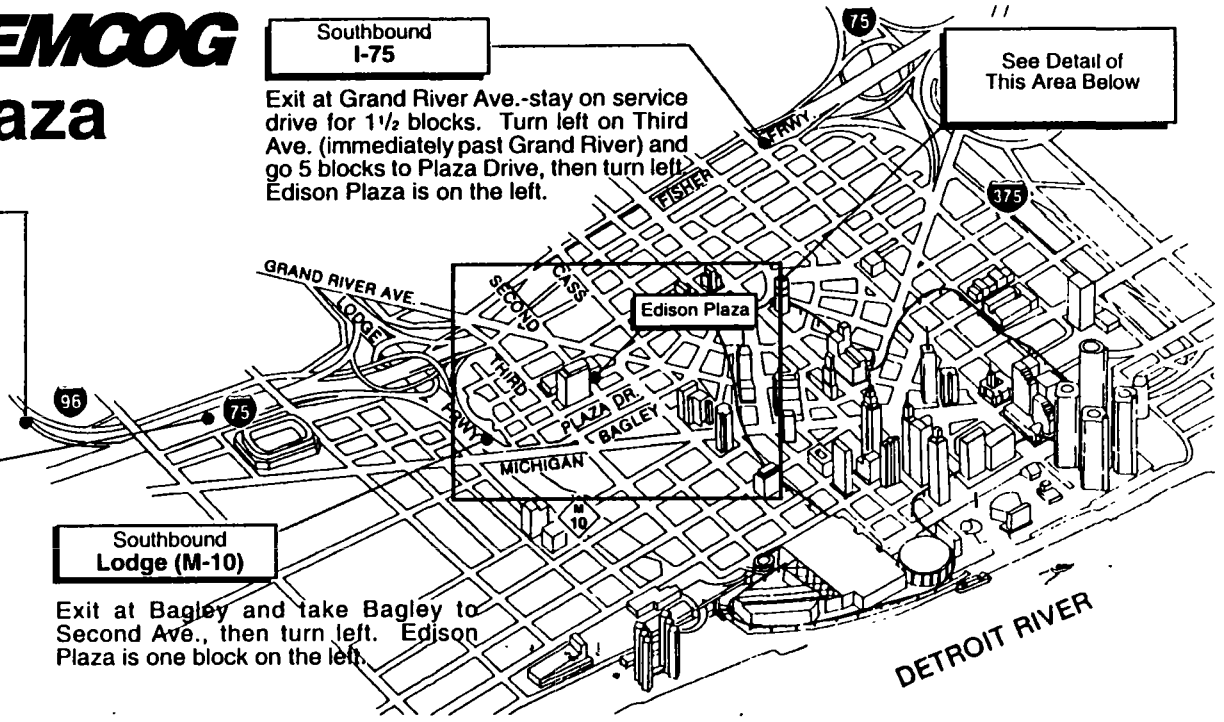
Exit at Grand River Ave. and turn right on Third Ave. (before Grand river). Go 4 blocks to Plaza Drive and turn left. Edison Plaza is on the left.

**Southbound I-75**

Exit at Grand River Ave.-stay on service drive for 1½ blocks. Turn left on Third Ave. (immediately past Grand River) and go 5 blocks to Plaza Drive, then turn left. Edison Plaza is on the left.

**Southbound Lodge (M-10)**

Exit at Bagley and take Bagley to Second Ave., then turn left. Edison Plaza is one block on the left.




# Area Detail

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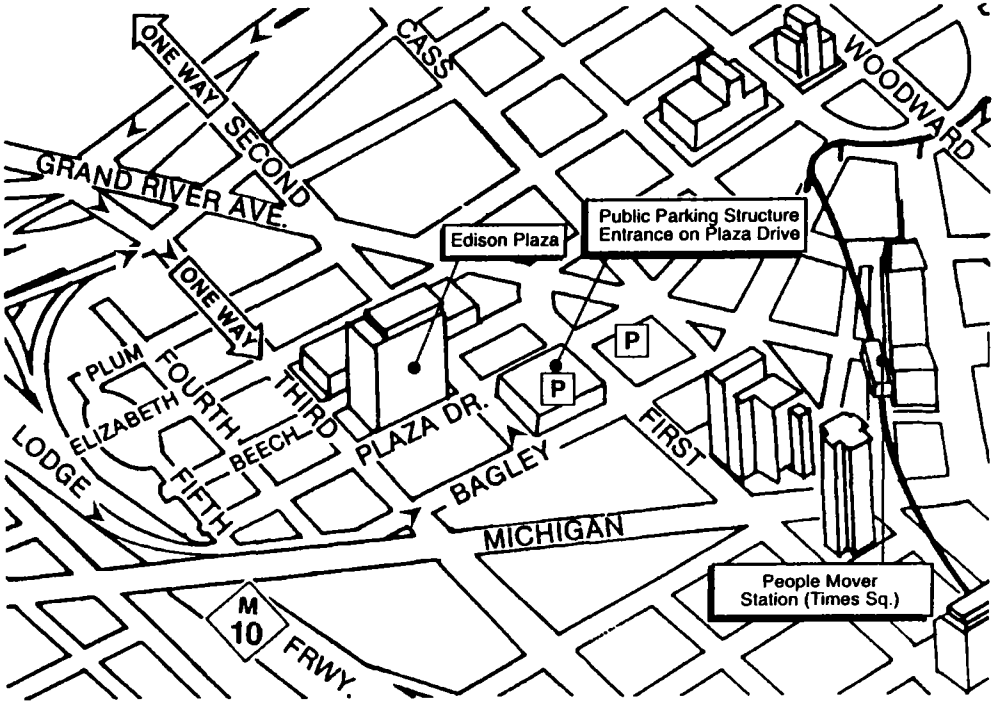
Note: Unauthorized parking on Edison employee lots runs the risk of having your car temporarily detained.

P = Public Parking Lots





**SEMCOG**
Southeast Michigan Council of Governments
*660 Plaza Drive • Suite 1900*
Detroit, MI 48226
(313) 961-4266


ATTACHMENT A

November 24, 1997

Ms. Karen Hobbs, Team Leader
Executive Office of the President
Council on Environmental Quality
Old Executive Office Building, Room 360
Washington, D.C. 20501

Dear Ms. Hobbs:

The Southwest Detroit Contaminated Sites Redevelopment Pilot Project Task Force (a program of Detroit's Empowerment Zone) endorses the nominating application for the designation of the Detroit River as an American Heritage River. To date, the Task Force has identified six sites, four of which are undergoing cleanup activities. Further, the Task Force is engaged in developing and preparing a marketing strategy and marketing tools for a project area which is bordered generally by the Detroit River on the south, the Ambassador Bridge on the east, Fort Street on the north and Zug Island on the west.

The Southwest Contaminated Sites Redevelopment Pilot Project Task Force is made up of representatives of various governmental, private and non-profit agencies. These include the City of Detroit, the Detroit Economic Growth Corporation, Wayne County, the Michigan Department of Environmental Quality, Southeast Michigan Council of Governments (SEMCOG), several Southwest Detroit citizen organizations and several planning and engineering consultants who are providing services on a pro bono basis. The Task Force is carrying out the activities described above pursuant to its charge as defined in the City of Detroit's Empowerment Zone application and related documents.

The Task Force pledges to work in partnership with other stakeholders in the American Heritage Rivers process and will share information and coordinate activities with them as appropriate. If I can be of further assistance, please do not hesitate contacting me at SEMCOG (313/961-4266).

Sincerely,

Patrick Brunett

Patrick J. Brunett
Chairman, Southwest Detroit Contaminated Sites Committee
Manager, Land Use & Environmental Programs
Southeast Michigan Council of Governments

**SEMCOG**

# MEMO

Southeast Michigan Council of Governments
660 Plaza Drive, Suite 1900
Detroit, Michigan 48226
(313) 961-4266
FAX (313) 961-4869

November 19, 1997

**TO:** Southwest Detroit Contaminated Sites Task Force

**FROM:** Angela Banks

**SUBJECT:** November 13, 1997 Meeting Summary

The following actions were agreed to by the Task Force at the September 11 meeting. Please notify me for correction of any errors or omissions. An agenda for the Task Force meeting scheduled for January 8, 1998 will be mailed separately.

- Angela Allen will arrange for a copy of the final recommendations from the Community Reinvestment Strategy process to be provided for the Contaminated Sites Task Force. All task force members are welcome to attend Stakeholder's Review Session on Thursday, November 13,1997 from 6:00 to 8:30 p.m.

- Final comment on the manual will be given at a meeting scheduled for November 14, 1997. All task force members are welcome to attend and should have received draft copy of manual. An update regarding progress on the video will be provided at the next Task Force meeting.

- Management Subcommittee submitted a list of goals and objectives for the proposed staff person and discussed potential funders. Task Force approved and requested that a preamble be added. Task force asked that Management Subcommittee to move forward with pursuit of funding for staff person.

- Debbie Fisher provided copies of the City of Detroit's proposal for a Sustainable Development Challenge Grant. It is anticipated that recipients of the grant will be notified near January 1, 1998.

- Debbie Fisher with Mary Vanderlaan will request an MDEQ Brownfields Site Assessment (EPA funded) for the Ward Bakery site.

- Mike Flowers with Kathy Milberg will pursue supplemental cleanup funds for the RCA site based upon federal, state, and local fines collected.

- Robert Hunter reported that the Eco-Industrial Park subcommittee is focusing on a three-pronged effort which includes assessing the feasibility of partnerships with Clark Street Redevelopment, private developers or hosting an Eco-Industrial Park conference .

- Kathy Milberg will coordinate with Robert Hunter to schedule meeting with LoPatin developer regarding opportunities for Eco-Industrial Park. *Bob Gorman will contact Farbman Group representative to attend Task Force meeting and provide insight on Clark Street Redevelopment Project. In addition to contacts with individual developers, the feasibility of a panel discussion with developers is also being pursued for a future task force meeting.

- Pat Brunett will prepare letter of support/commitment for American Heritage River Designation from Contaminated Sites Task Force.

- J. Mooney and colleagues from EPA are expected to make presentation at a future task force meeting.

*Follow-up items from previous meeting summaries which were not discussed at the November 13, 1997 meeting.

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1:30 Elected official meeting.

7:00 Public meeting.

**BY COUNCIL MEMBER** Ken Cockrel,Jr. and all Others

## RESOLUTION IN OPPOSITION TO THE USE OF THE DEEP INJECTION WELLS AT THE DETROIT COKE SITE FOR WASTE DISPOSAL

**WHEREAS,** Detroit Coke Inc. has applied to the Environmental Protection Agency (EPA) for a permit to operate a deep injection well at 7819 West Jefferson in the city of Detroit for the purpose of disposing of hazardous waste generated at the site and for disposing of non-hazardous commercial waste; and

**WHEREAS,** Detroit Coke provided an addendum, as a confidential document, to the EPA describing the waste stream it proposes to dispose of, not providing the information to the City of Detroit, and thus preventing the City from assessing the potential impact on the residents in the surrounding community, the environment and future development; and

**WHEREAS,** according to the City's Environmental Affairs Department the geology of the specific site for the wells has not been determined nor has information been provided to the City regarding the integrity of the wells for the amount and type of waste proposed for commercial disposal; and

**WHEREAS,** the site is presently under corrective action for clean-up of existing contamination; and

**WHEREAS,** the site is located at the confluence of the Detroit and Rouge rivers, both of which have been designated as Areas of Concern by the International Joint Commission of the U.S. and Canada (that is charged with overseeing implementation of the Great Lakes Water Quality Agreement); and

**WHEREAS,** there is no record with the City's Building and Safety Engineering Department of Detroit Coke having a permit for the construction of the existing wells; and

**WHEREAS,** Detroit Coke has a history of permit violations as demonstrated by its owing $253,000 in unpaid fines to the Wayne County Air Quality Management Division; and

**WHEREAS,** Detroit Coke has a history in the city of Detroit of not fulfilling its fiscal responsibilities as demonstrated by owing $2.2 million in back taxes to the City; and

**WHEREAS,** Detroit Coke has been a poor corporate citizen in the state of Michigan demonstrated by its outstanding tax obligation to the State; and

**WHEREAS,** Detroit Coke has not satisfied its obligations to its former employees who were laid-off without notice when the company closed after not meeting the Consent

Agreement with Wayne County to correct violations and lack of resolution of contract terms with the local UAW; and

**WHEREAS,** Southwest Detroit is already home to many businesses with hazardous or noxious emissions that negatively impact the quality of life for residents in the area and the further siting of such facilities raises issues of Environmental Justice;

**THEREFORE BE IT RESOLVED THAT** Detroit Coke and the EPA immediately provide to the City of Detroit all the information requested concerning the wells and the proposed waste stream;

**AND BE IT FURTHER RESOLVED THAT** the EPA revise its review criteria to include the environmental compliance record of companies applying for permits as well as considering the cumulative impact of siting waste producing/treatment/disposal facilities in communities saturated with heavy industrial uses;

**AND BE IT FINALLY RESOLVED THAT** the Detroit City Council does hereby oppose the issuance of a permit for the operation of deep injection wells at the Detroit Coke site for the disposal of commercial waste and that this resolution be forwarded to Dennis W. Archer, Mayor of the City of Detroit, Sara D. Lile, Director of the Environmental Affairs Department, Carol Browner, Director of the U.S. Environmental Protection Agency, Alan Melcer of the U.S. Environmental Protection Agency Region 5, Russell J. Harding, Director of the Michigan Department of Environmental Quality, and the Detroit delegation of the U.S. Congress.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

P19-J

December 10. 1997

Kathy Bridge
South Rademacher Recreation Center
6501 South Street
Detroit, Michigan 48209

Dear Ms. Bridge:

This is to confirm our conversation of December 10, 1997:

U.S. Environmental Protection Agency will use the South Rademacher Recreation Center from 7 to 9 p.m. January 8, 1998. Because this is an informational meeting dealing with matters of concern to the immediate community near the Center, the usual fee has been waived by you.

Previous reservations requested by EPA have been canceled.

If any of the above is incorrect, you can get in touch with me at 312 886-4360. If I do not hear otherwise by December 17, I will assume that this information is correct.

Sincerely,

Don de Blasio

Don de Blasio
Community Involvement Coordinator
Office of Public Affairs

cc: Allen Melcer
Nicole Cantello

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**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY**
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:

TO: Nettie Seabrooks, Deputy Mayor
City of Detroit
313 224-3752
fax 224-2129

From: Don de Blasio
Community Involvement Coordinator
Office of Public Affairs
U.S. EPA Region 5
312 886-4360
fax 353-1155

Subject: Briefing Room

Date: 17 November 1997

Thank you for your offer to assist U.S. Environmental Protection Agency in finding a room to brief elected officials about the Detroit Coke permit applications and cleanup.

Because I will be out of the office from December 17 to January 5, I wanted to be sure we are in agreement on what I am looking for.

EPA wants to hold the briefing from 1:30 to 3:30 p.m. Thursday, January 8, 1998. We are not sure how many will show up, but we plan to invite the Detroit City Council, Wayne County commissioners, and federal and state elected officials. I think that a room large enough to accommodate at least 50 persons would be required. I don't know what your laws are requiring open meetings, but because we are holding a public meeting that same day (7 to 9 p.m., South Rademacher Recreation Center), we are not inviting the public or the news media to this elected officials briefing.

As I noted above, I will be out of the office, but you may work with Allen Melcer over the next 2 weeks if necessary. He is the technical person in the Underground Injection Control Section of the Water Division working on the permit application. His phone is 312 886-1498.

I hope this provides you with all the necessary information.

cc: Allen Melcer

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UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

REPLY TO THE ATTENTION OF:
WU-16J

FEB 12 1998

Ms. Sarah D. Lile
City of Detroit
Dept. Of Environmental Affairs
1650 First National Bldg.
Detroit, Michigan 48226

**Re: Freedom of Information Act Request HQ-RIN00438-98**

Dear Ms. Lile:

The United States Environmental Protection Agency (U.S. EPA) has received your letter of January 27, 1998, regarding the above-referenced Freedom of Information Act (FOIA) request. As you know, Detroit Coke, Inc. ("Detroit Coke") has claimed that the information contained in their Waste Analysis Plan and in their surface construction and operations plans be treated as confidential business information (CBI). In our response to your FOIA request of October 28, 1997, we stated that we are in negotiations with Detroit Coke regarding their relinquishing the CBI claims on these documents. Based on these negotiations, Detroit Coke has lifted the CBI claim on most of the information contained in the documents. This newly released information is enclosed with this letter. However, Detroit Coke did maintain their claim of confidentiality on some information in the documents and U.S. EPA has determined that Detroit Coke has shown that that information should be treated as confidential business information. The U.S. EPA's Final Determination of Confidential Business Information Claim by Detroit Coke, Inc. is enclosed for your information.

Forty C.F.R. § 2.201 et seq. establishes rules governing business confidentiality claims by a business which will be subject to a competitive disadvantage should the information be disclosed. A business is entitled to claim documentation as CBI if that documentation satisfies the requirements of 40 C.F.R. § 2.203. The authority for the right to claim information submitted to the Agency as confidential was developed under the Freedom of Information Act (FOIA), 5 U.S.C. § 552(b)(4). Your FOIA request is limited by this section and the rules promulgated at 40 C.F.R. Part 2. U.S. EPA has reviewed Detroit Coke's CBI claim against the criteria set forth in the general confidentiality regulations set forth at, 40 C.F.R. § 2.203 through 2.215, including the statute specific regulations set forth at 40 C.F.R. § 2.30 for the Safe Drinking Water Act. The agency has applied the specific CBI criteria contained in 40 C.F.R. § 2.208 and has determined that Detroit Coke has satisfied the criteria applicable to its CBI claim.

Note that as a result of informal discussions prior to the above determination, Detroit Coke voluntarily agreed to a partial release of information contained in its CBI claim. However, Detroit

Coke requested that certain information remain CBI, the release of which would cause the company substantial competitive harm as set forth in 40 C.F.R. § 2.208. Detroit Coke has indicated that it will voluntarily release all CBI when U.S. EPA issues its draft permit decision. However, until the issuance of the draft permit decision, U.S. EPA must deny your request for CBI material relevant to your FOIA Request, HQ-RIN 00438-98.

Please note that the SDWA statute specific regulations require the release of the CBI information "relevant to a proceeding." In the UIC permitting context, a proceeding is initiated when U.S. EPA issues a draft permit decision. At that time, all information will be made available. The City of Detroit will have ample opportunity to examine the CBI prior to the deadline for submission of comments on U.S. EPA's draft permit decision.

Congress has determined that confidential business information shall be exempt from FOIA. As stated in your letter, the City has the opportunity "to institute action for the production of necessary documentation," however, U.S. EPA has concluded that such documentation will be found CBI. National Parks v. Kleppe, 547 F.2d 673 (1976), National Parks Conservation Association v. Motion, 498 F.2d 765 (D.C. Cir. 1974). Therefore, U.S. EPA must adhere to the requirements of FOIA CBI regulation governing CBI claims .

If you consider this response to be a denial, you may appeal it by addressing your written appeal to the Freedom of Information Officer (A-101), United States Environmental Protection Agency (U.S. EPA), 401 M. Street, S.W., Washington, D.C. 20460.

Please contact Allen Melcer at (312) 886-1498 if you have any further questions regarding U.S. EPA's Final Determination. Ms. Nicole Cantello of the Office of Regional Counsel at (312) 886-2870 is also available to discuss this matter with your counsel.

Sincerely yours,

/s/ LISA R. PERENCHIO

Lisa Perenchio, Chief
Direct Implementation Section
Underground Injection Control Branch

Enclosures

bcc: Nicole Cantello, ORC
~~Greg Rudloff, WPTD (w/ attachments)~~
Wendy Schumacher, Regional FOIA Coordinator, MRI-9J, (w/ attachments)

## Community Outreach Subgroup Charge

Public participation is a key aspect to addressing environmental justice concerns in a proactive manner. In environmental justice areas, extra efforts beyond the normal public participation requirements of environmental statutes may be needed to engage the citizenry on an upcoming action by the environmental regulatory agency. Outreach efforts may be necessary to ensure that the local community is informed about the issue and has meaningful opportunities to engage in the issue. This subgroup will make recommendations on what additional outreach or public participation efforts beyond those required by statute should be undertaken in environmental justice areas.

## The Problem

Often and even with full compliance with environmental statutes and the Michigan Administrative Procedures Act, residents of environmental justice areas in which new or modified facilities are proposed have great difficulty understanding the actual impact that the facility will have on them. Residents may have difficulty receiving notice of the proposal due to minimal public notice requirements. The published public notices are hard to find and difficult to understand. Residents may lack the technical expertise and training necessary to objectively understand and evaluate the impacts of a facility.

Public participation is normally limited to review of technical information organized and submitted to support compliance with specific regulatory requirements and permit approval. The information available by the permit process is often not in the form or content to address specific community interest nor is it in an understandable format.

Fulfillment of all statutory requirements and a valid permit are no guarantee the applicant's neighbors will feel comfortable that their health and the environment will be protected.

## Statement of Principles

Permit applicants should voluntarily engage residents of environmental justice areas in meaningful dialog when proposing new facilities and expansion of existing facilities.

Permit applicants and regulatory agencies should voluntarily go beyond the minimum public participation requirements of environmental statutes and the Michigan Administrative Procedures Act for proposed new facilities and expansions of an existing facilities located in environmental justice areas.

Regulatory agencies and permit holders, who have demonstrated a competency in effective public participation, should provide assistance to potential permit applicants for proposed new facilities and expansions of an existing facilities located in environmental justice areas.

Regulatory agencies and permit holders, who have demonstrated a competency in effective public participation, should provide technical assistance to communities located in environmental justice areas where a proposed new facility or expansion of an existing facility is contemplated.

**Statutory Public Participation Requirements**

Statutes require that for proposals for major sources of and major modifications of sources of air pollution, the regulatory agency must provide public notice and an opportunity for a public hearing and comment prior to issuing its decision. The requirements of publishing public notices result in notices that are published in newspapers that are minimally effective. The public hearing is a quasijudicial event that does not allow for any interaction with area residents. Written and oral comments are accepted. The agency responds to the comments in writing, explaining why the agency did or did not agree with the comment without the chance of further interaction.

**Proposal**

The Community Outreach Workgroup proposes that potential permit applicants and actual applicants be encouraged to begin to work with their neighboring communities as early as possible. The applicants should be advised by those with experience in successfully working with their own neighbors. Community members should have objective technical resources available to them to assist them in understanding the impacts of the proposed facility or modification of a facility. Meetings between the applicant and the community should be held as early as possible, and preferably before a permit application is submitted.

The Community Outreach Workgroup proposes that a resource group be established. The group would consist of state and local agency personnel and holders of permits located in environmental justice areas. The group would be available to provide technical assistance to the community. A second charge for the group would be to provide assistance to potential applicants regarding how to engage in effective public participation.

The DEQ would support the resource group through a home page within their internet resources the home page could be used by both potential applicants and environmental justice communities.

**Recent Example of Effective Public Participation**

The following is a recent example of the implementation of some of the above principles.

Dearborn Assembly Plant, Ford Motor Company

Ford Motor Company engaged in a series of meetings with community groups regarding installation of a new automobile painting operation at the Dearborn Assembly Plant. The purpose of the meetings was to enhance and expand the publics participation in the permit review process by providing information regarding the facility plans and answer questions related to environmental affects of the proposed project. Regulations for major modifications provide for a 30-day public comment period, following MDEQ staff recommendation to issue a permit approving the proposed permit prior to a final decision. Minor source modifications do not require a public comment period. Ford voluntarily lengthened the comment period for the Dearborn project to provide additional time for community involvement.

Ford sought out and worked with an ad hoc group of local community organizations representing a cross section of ethnic, health and environmental interests. The ad hoc group provided a venue for sharing information and addressing concerns with those in the Rouge area community most likely to be interested in the facility plans. The community groups brought a focused interest in area air quality and it's relation to health concerns. The groups participating represented Arabic, American Indian and Hispanic ethnic communities, several local health clinics, and local and regional environmental activist organizations.

The meetings provided an opportunity to describe the proposed facility modifications, the beneficial environmental affects of the project and the importance of the project to the economic viability of the assembly plant in a way that was responsive to the local community's interests. This type of exchange and communication is not possible in the normal permit process.

Communication related initially specific to the painting facility has provided an opportunity for expanded dialog on a wide range of topics of interest to the local community. Information exchanges have occurred related to Ford environmental management practices, emergency preparedness, Y2K readiness, and other facility plans. The process has improved the Company's awareness and understanding of issues of interest and concern to the community. Ford views the process as a success and will seek to remain actively engaged in dialog with the community groups.