12R-98-R5

October 21, 1998

BY ~~BY FACSIMILE, 202-260-4580, AND~~ FIRST CLASS MAIL

USEPA
Ann Goode, Dir. OCR
401 M. Street, S.W.
MC 1201
Washington, D.C. 20460

Dear EPA Office of Civil Rights, Dir. Ann Goode, et al:

I, (b) (6) Privacy [redacted], "Petitioner," am filing this Environmental Injustice Complaint, under Title VI of the 1964 Civil Rights Act, and strengthened by President Clinton's Executive Order on Environmental Justice (Executive Order 12898), against Environmental Disposal Systems, Inc., permitted under UIC Permits MI-163-1W-C007, and MI-163-1W-C008.

I filed UIC Appeal 98-1 with the USEPA Environmental Appeals Board, "the Board," postmarked April 30, 1998, that was decided with the "Order Denying Review," (to myself, and Rep. Raymond Basham-UIC Appeal 98-2) on October 15, 1998, by Environmental Appeals Judges Ronald L. McCallum, and Edward E. Reich. I have 10 days, plus 3 for mailing, to file a Motion for Reconsideration which I hope to do, as my Policy Issues, not ascertainable during the Public Hearing period, WERE NOT REVIEWED OR CONSIDERED BY "THE BOARD!" (AND EACH POLICY ISSUE WAS ASSIGNED A CORRESPONDING PERMIT CONDITION NUMBER, AS NEEDED.)

I have 180 days from either April 24, 1998 (or May 1, 1998) to file this Environmental Injustice Complaint; I do so now.

It is my contention that the permitting, (and past permitting), and operation of this facility, Environmental Disposal Systems, Inc., "EDS," involved/involves THREE TYPES OF INJUSTICE/DIS-CRIMINATION:

180 days back from Oct. 21 is April 24

180 days back is April 30, 1998

RECEIVED 10/26/98

1. Primary Injustice/Discrimination,
2. Secondary Injustice/Discrimination, and
3. Tertiary Injustice/Discrimination

that I want the EPA OCR to look into, make judgement calls about, AND, IF APPROPRIATE, SANCTION THE PERMITTING AND OPERATION OF THE EDS FACILITY, PREFERABLY BY NOT ALLOWING EDS TO OPERATE INITIALLY, OR BY CLOSING THE EDS FACILITY DOWN, IF OPERATIONAL!

1. Primary Injustice/Discrimination:

a. DISPARATE PROPORTION

There is a disparate proportion of amounts of toxic hazardous/non-hazardous liquid waste, which could be coming from as far away as other cities in Michigan, other states, and Canada, to be borne by the residents of Romulus, Michigan FOR THE PURPOSE OF THE OPERATION OF EDS' CLASS 1, COMMERCIAL, (FOR PROFIT), TOXIC INJECTION DISPOSAL WELL.

(And one of EDS'/Remus Joint Venture's partners is a Canadian waste hauler!)

b. CENSUS BUREAU

According to the 1990 Census Bureau information, the city of Romulus is comprised of 22% of Black-American individuals. (The terms Black-American and African-American are deemed the same.)

c. EDS' HISTORY WITH THE CITY

It was/is well known to EDS, since 1991, that the city of Romulus does not "appreciate" its business, or its "wares." This is the 2nd location, in Romulus, that EDS has sought to drill and operate Class 1, Commercial Hazardous/Non-hazardous

liquid, injection, disposal wells. EDS had drilled a well, in 1993, in the Northline/ Wahrman Rd. area, in Romulus, APPROXIMATELY 2 YEARS AFTER THE ROMULUS CITY COUNCIL ISSUED RESCINDING RESOLUTION 91-389, WHICH DISAVOWED AND REPUDIATED EDS. (And the Romulus City Council passed a more stringent Environmental Ordinance, and a Resolution against EDS'latest deepwell permits, on November 14, 1995, and August 26, 1996 resp. both in regards to the the two UIC Permits just approved by the USEPA!)

For additional History, see former Mayor McAnally's letter to Congressman William D. Ford, dated November 22, 1993, a copy of Rescinding Resolution 91-389, and the letter from the Ordinance Director, Steve Banko, dated October 15, 1998.

d. TARGETING OF ROMULUS, BY EDS

Regarding the Northline/Wahrman Rd. well, #1-20, drilled in 1993, EDS President, Douglas F. Wicklund had written numerous times, including on February 17, 1995. and published in the "Romulus News," that "...The well is in and it can't be moved. We are not leaving Romulus because we can't. We're stuck here forever...." And, "...Unfortunately, you're stuck too..." See pages 8 and 9, of the "Romulus News."

YET, EDS, BY PURSUING ITS LATEST TWO UIC PERMITS, IS INTENTIONALLY EXTENDING ITS "FOREVER" HISTORY WITH THE CITY OF ROMULUS, BY PARTICIPATING IN COORDINATED PAST AND PRESENT EFFORTS IN THE PERMITTING/DRILLING/SELLING/PACKAGING OF ITS TWO LATEST WELLS, #1-12, and 2-12!

COMPARE:

	EDS PAST EFFORTS WELL #1-20	EDS PRESENT EFFORTS WELLS #1-12, and 2-12
EPA PERMIT WRITER	DAVID WERBACH	DAVID WERBACH

COMPARE, CONT.:

	EDS PAST EFFORTS WELL #1-20	EDS PRESENT EFFORTS WELLS #1-12 & 2-12	
MDNR/MDEQ PERMITS	MDNR AL RARICK*	MDEQ TOM WELLMAN*	*significance TBD in e..
NEWSPAPER EDITORIAL ENDORSEMENTS	THE ROMULUS NEWS THE ROMULUS ROMAN	THE ROMULUS NEWS THE ROMULUS ROMAN	
"COMMUNITY" ENDORSEMENTS (OFFICERS)	DECAP SUE CISLO, SECRETARY	ENVIRONMENTAL CONCERNS ASSOC. SUE CISLO, VICE PRESIDENT	

IF EDS TRULY FELT "...STUCK HERE (IN ROMULUS) FOREVER..." WOULD EDS BE COORDINATING PAST AND PRESENT EFFORTS, INVOLVING BASICALLY THE SAME PEOPLE/ORGANIZATIONS/TACTICS/OPERATIONS? WHY ROMULUS? COULD IT BE BECAUSE OF THE RACIAL MAKEUP OF THE CITY OF ROMULUS, 22% BLACK AMERICAN POPULATION?

And, in the 1994 study by Dr. Bunyan Bryant and Dr. Elaine M. Hockman, "Hazardous Waste and Spatial Relations According to Race and Income in the State of Michigan," initiated by the Guild Law Center, it was shown that RACE WAS THE MORE ACCURATE PREDICTOR OF PROXIMITY TO HAZARDOUS SITES, RATHER THAN INCOME.

Note: In the February 17, 1995 letter in "The Romulus News' Mr. Wicklund, President of EDS cites "...THE GOVERNMENTS OF THE CITY OF NILES AND COVERT TOWNSHIP..."; a legitimate comparison to the city of Romulus, or a SMOKESCREEN? EPA, OCR ASK YOURSELF THIS QUESTION: "COULD HAROLD MARCUS, THE CANADIAN WASTE HAULER, FROM CANADA (I BELIEVE), AND A PARTNER IN REMUS JOINT VENTURE, (I BELIEVE) USE A TOXIC WELL(S) IF IT WAS LOCATED IN THE FAR WESTERN PART OF THE STATE OF MICHIGAN, WHEN YOU TRY TO ANSWER THE QUESTION OF SMOKESCREEN!? Don't forget President Clinton's Executive Order 12898 came out in 1994; MR. Wicklund's letter

comparing the governments of Romulus to Niles and Covert Township was published in 1995, one year later!

e. COLLUSIVE RELATIONS?/DAMAGING CONCLUSIONS?

Al Rarick was involved in the MDNR Permit granted to EDS in 1991, and Mr. Rarick became a part-time paid consultant to EDS in 1992, I believe. See EDS Company Profile of Al Rarick, enclosed.

R. Thomas Segall was Chief of the Geology Survey Division of the MDNR/MDEQ, and Mr. Segall became a part-time paid consultant to EDS in June 1997. See the letter from Austin Marshall, Vice President of EDS, dated June 17, 1997.

In the MDNR INTEROFFICE COMMUNICATION, *from A.J. Rarick, to R. Thomas Segall, *cc'd to Tom Wellman (and Al Collins), dated April 29, 1991 it was stated "...Personal Opinion: I think that this permit for a commercial disposal well will just be the first of many..." And, "...if we cannot demonstrate that we have performed at least the minimum security checks (surveilance of casing, sealing, and pressure testing) we (GSD and MDNR) will suffer severe criticism. That we have neither the funds nor the personnel to carry out these responsibilities is, I am afraid, an argument which will be lost in the subsequent environmentalist rhetoric."

WHAT I BELIEVE IS MOST DAMAGING ABOUT THIS PERSONAL OPINION, FROM MR. RARICK, TO MR. SEGALL, IS MR. RARICK'S ASSUMPTION/ CONCLUSION THAT "ENVIRONMENTALIST RHETORIC" WAS JUDGED TO BE THE WORST OUTCOME WHEN THE PUBLIC DISCOVERED THE MDNR'S LAXITY ABOUT NOT PERFORMING MINIMUM SECURITY CHECKS; AND NOT LAWSUITS! PROBABLY, EVEN PARTIES RARICK AND SEGALL DID NOT FULLY COMPREHEND THAT, IN EFFECT, WITH THIS MEMO, THEY WERE SIZING UP ROMULUS RESIDENTS, AS TO THE LEVEL OF THREAT THEY WOULD POSE TO THE MDNR, IF THE TOXIC WELLS WENT AHEAD; AND CONCLUDED THAT

ROMULUS RESIDENTS POSED NO THREAT, JUST HARMLESS ANTI-WELL SENTIMENTS! WHY WOULD MR. RARICK, (AND MR. SEGALL) EVALUATE THE RESIDENTS OF ROMULUS, IN THAT WAY? WAS IT BECAUSE OF THE RACIAL MAKEUP OF THE CITY OF ROMULUS, 22% BLACK-AMERICAN POPULATION? IS IT A GIVEN THAT AREAS WITH A HIGHER PERCENTAGE OF BLACK POPULATIONS, DO NOT USUSALLY INITIATE LAWSUITS, WHEN CONFRONTED WITH ENVIRONMENTAL ISSUES? See the Drs. Bunyan Bryant, Elaine Hockman study, again.

Note: even though no such InterOffice Communication was intercepted in the #1-12 & 2-12 wells, BOTH AL RARICK AND THOMAS SEGALL WORK FOR EDS, TO THIS DAY, I BELIEVE.

Note, lastly: See the letter from R. Thomas Segall, to former Community Development Director, Mr. Dennis N. Oakes, dated October 26, 1990, which stated"...Waste disposal wells (Class 1) are not the most desirable of operations but they are necessary and can be operated safely with proper and timely inspection and other regulatory oversight and due diligence on the part of the operator to assure effective control over wastes as they are being transported and disposed down the well."

f. DOCUMENTATION

Documentation of all facts/enclosures cited so far will be sent shortly, by first class mail, if needed.

g. "DILUTION" OF DEMOGRAPHICS

It is my contention that demographic analysis, for EDS wells #1-12 and #2-12, for this Title VI Environmental Injustice/ Discrimination Complaint, SHOULD BE EVALUATED AT THIS PRIMARY LEVEL, WITH DEMOGRAPHIC ANALYSIS NOT "DILUTED" BY ADDING SECONDARY OR TERTIARY LEVELS; OR BY "...CONSIDER(ING) DEMOGRAPHIC INFORMATION FOR ALL COMMUNITIES POTENTIALLY IMPACTED,"

AS ATTACHMENT D OF THE USEPA MEMO, DATED OCTOBER 30, 1997, DELINEATES.

It is my contention that EDS located well nos. 1-12 and 2-12 near the Romulus/Taylor borders, in order to COMBINE THE DEMOGRAPHICS OF ROMULUS AND TAYLOR. AS SUCH:

ROMULUS BLACK POPULATIONS	22%
TAYLOR BLACK POPULATIONS	4%
TOTAL	26%

AVERAGE, BY DIVIDING BY 2= 13% (And, by adding even more communities potentially impacted, the percentage can be lowered more, in order to "dilute" demographics.

EPA OCR, PLEASE DO NOT ALLOW DEMOGRAPHIC INFORMATION TO BE "DILUTED!" TOXIC WASTE, IF COMING, WILL IMPACT ROMULUS MOST!

2. Secondary Injustice/Discrimination:

a. All persons, White, Black, or Other Minority, are affected by extraneous factors, involving the EDS well(s), such as increased truck and rail traffic, exposure to truck or rail accidents, and other concerns not limited to these, because they live nearby the EDS wells, in a wide range/radius, of the EDS facility.

b. If Environmental Injustice/Discrimination exists at the Primary level, that also applies to the Secondary level, by association,for those who live nearby! With residents of Taylor and other communities living nearby Romulus, (as my son lives in Taylor), are they being punished because they live nearby Romulus/EDS? This is another form of Injustice/Discrimination: Injustice/Discrimination by Association!

3. Tertiary Injustice/Discrimination:

a. There appears to be a disparate proportion of toxic waste producers, storers (with haulers), locating their place of business along the South 1-275 corridor, and the East-West I-94

corridor. What is the exemption with the North I-275 corridor, as far as permits for, and facilities for, toxic waste producers and storers? See the maps I've made entitled "S.E. Michigan's Toxic Waste Trends," "Where the Expensive Homes Are," and "Southeast Michigan's ethnic and racial trends."

b. In the past year, in Wayne County, we have had three toxic facilities being permitted: 1. Wayne Disposal, Inc. for PCB disposal, permit granted April 14, 1997; 2. CWERLP for a waste-to-energy facility, permit granted December 29, 1997; and Environmental Disposal Systems, Inc. for a COMMERCIAL, Class 1, Toxic, Hazardous/Non-hazardous Waste Injection Well(s) , 2 of them, permit effective April 24, 1998.

c. AND, WE HAVE THE EVER-PRESENT METRO AIRPORT, IN ROMULUS, CONTRIBUTING TO THE NET POLLUTION!

d. What's wrong with attempting to locate these facilities along the Northern corridor of I-275? EDS, if located elsewhere, say along the NorthI-275 corridor, would likely be enjoined by residents, once such an InterOffice Communication,as I described, would have been discovered by these politically connected residents, who could afford to hire their own attorneys, if need be, to fight the TWO UIC PERMITS!

IN CONCLUSION: EPA OCR, please look at the three maps I've made, all enclosures necessary ; and investigate any persons, regulators, officers, facilities you deem applicable.

EPA OCR, PLEASE FIND THAT ENVIRONMENTAL INJUSTICE/DISCRIMINATION HAS OCCURRED HERE IN ROMULUS, WITH THE EDS FACILITY/UIC PERMITS!

Sincerely,

(b) (6) Privacy

Romulus, Michigan 48174 734-(b) (6) Privacy