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MICHIGAN HOUSE OF REPRESENTATIVES

DARRIN CAMILLERI
STATE REPRESENTATIVE

September 13, 2018

Kirstin Safakas
Community Involvement Coordinator
Superfund, EPA R5
77 W Jackson Blvd, SI-6J
Chicago, IL 60604

Dear Ms. Safakas:

On behalf of the 90,000+ Downriver residents I represent, as well as the future residents of Downriver, I am providing comment on the administrative settlement and covenant not to sue between MSC Land Company, LLC (MSC) and the US Environmental Protection Agency (EPA) in the matter of cleaning up the former McLouth Steel Facility site. **I believe the agreement under consideration, while a long-awaited and necessary step toward rehabilitation of the site, should go further in requiring actions to sufficiently restore and protect the area's water, soil, and air quality.**

For decades, the vacant site of the former McLouth Steel Facility has plagued Trenton's waterfront. In addition to being a hindrance to economic activity in the area, the toxic chemicals that remain from McLouth's manufacturing processes have caused untold damage to Downriver's water, soil, and air. We now know that in multiple locations, toxic chemicals are within 500 ft of the Detroit River, a crucial water body for Downriver's economy, recreation, and wildlife. It is imperative, therefore, that the clean-up of the former McLouth property not only happen, but happen quickly and meet a high standard.

Because the extent of the contamination is so great, and with the site having sat vacant for so long, there is now overwhelming community support for cleaning up the site. In fact, EPA scientists have concluded that to not clean the site would pose "an imminent and substantial endangerment to public health, or welfare, or the environment." I agree that action must be taken, or we risk subjecting future generations of Downriver residents to the harmful effects of numerous volatile contaminants.

It's with this history and context in mind that I must first express my sincere appreciation for the EPA's efforts to come to an agreement around rehabilitation of the McLouth Steel property and to list the site on the Superfund program's National Priorities List (NPL). The scale of the site's contamination makes it almost impossible for any one community to tackle alone. It is my hope that this potential NPL designation, and the federal attention and resources that come with it, would bring the capacity and sense of urgency that this clean-up warrant.

However, while I recognize the importance of moving quickly to address the McLouth site's contamination, I must also emphasize the EPA's responsibility to fulfill its mission. The purpose of the

agreement with MSC is to protect Downriver residents from the threat to public health that the site poses. After thorough review of the agreement and listening to stakeholder concerns, I believe there are several areas where the agreement should take stronger action to ensure that goal is met:

1. **Stormwater management:** The agreement calls for MSC to assess options for stormwater management on the property and to submit a stormwater management report to EPA and the State within 18 months of the agreement being finalized. This stormwater assessment is crucial to understanding the pathways of how contaminants are polluting surrounding water bodies. *Therefore, the EPA should shorten the 18 month time frame, so that the necessary controls can be put into place as quickly as possible.*
2. **PCB cleanup:** Under the agreement as written, MSC Land Company has the responsibility to take soil samples from specified areas at a depth of 0-6". If a surface sample reveals PCBs in excess of 25 ppm, the contaminated surface must be removed or cleaned. However, if a deeper sample reveals contamination in excess of 25 ppm, MSC is only responsible for blocking off the contamination and posting warning signage, and they are not responsible for taking any action to clean it up. There are two points on this issue:
 1. At this point, it remains unclear how contaminants below 6" are moving from soil to surrounding water bodies. *Therefore, until all environmental assessments are complete, MSC should be responsible for removing contaminants below 6" in addition to the surface contaminants.*
 2. The site is currently zoned for mixed-use development. This is inconsistent with the document's stated goal of the purchaser using the site for industrial purposes after their work is complete. The agreement calls for a PCB limit of 25 ppm, however, the EPA recommended PCB cleanup level for high-occupancy areas is 10 ppm. *Therefore, until the site's zoning is changed, the more appropriate standard for PCB cleanup is 10 ppm.*
3. **Dust plan:** According to preliminary assessments of the site, the buildings to be demolished on site contain a significant amount of asbestos. That makes the dust plan particularly important, especially given the proximity of the site to surrounding neighborhoods. While the Statement of Work specifies some elements of a dust plan, it leaves most elements of the plan up to the EPA's discretion when approving the plan. *Environmental experts recommend that the plan include an automatic cessation of work if elevated levels of particulate matter are detected at the property line as well as work limitations during high wind or severe weather events.*
4. **Best efforts:** Many elements of the agreement are subject to MSC's giving a best effort to complete work. For example, the initial Work Plan that MSC must submit shall provide an "expeditious but realistic schedule" for completion of the work. Many members of our community are concerned with the motives and intentions of MSC and its affiliate Crown Enterprises, Inc. While there is no specific recommendation here, I would like to issue a word of caution on behalf of my constituents that the agreement should be as prescriptive as possible, so as to ensure that work expectations are met.

While I am pleased to see an agreement moving forward, I strongly urge you to strengthen the protections and requirements related to soil, water, and air quality. I believe addressing the concerns listed here, which are shared by many in our community, would protect the long-term health of Downriver residents and improve the environmental and economic outcomes of the proposed agreement.

Thank you for your consideration and the opportunity to comment. If you have any questions, please contact my office at 517-373-0855 or email darrin.camilleri@house.mi.gov.

Sincerely,

A handwritten signature in black ink that reads "Darrin Camilleri". The signature is written in a cursive style with a large, stylized initial "D" and "C".

State Representative Darrin Camilleri
23rd House District