

SDWA-05-2007-0003

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April 11, 2007

Regional Hearing Clerk
Mail Code E-13J
U.S. EPA, Region 5
77 West Jackson Boulevard
Chicago, IL 60604

To Whom It May Concern:

I am writing to formally request that I be allowed to participate in the U.S. EPA complaint proceedings regarding permit violations for the EDS injection wells in Romulus. During both permitting processes, I and many others repeatedly raised concerns about the manner in which EDS would operate this hazardous facility. Regrettably, those concerns have all come to fruition in a very, very short period of time.

EDS only received its final operating license from the Michigan Department of Environmental Quality in January of 2006 and began limited operations the following month. However, almost immediately upon commencing operations, the regulatory failures at EDS began. As stated in the U.S. EPA's own complaint, the company failed to increase cost estimate for post-closure as required by February, failed to provide continuous monitoring records beginning in March, failed to submit quarterly reports beginning with the first report due in April, failed to adjust closure cost estimates as required in May, failed to conduct equipment/systems tests as required in June, and failed to conduct pressure build-up monitoring as required by September.

With this record of noncompliance, it should have come as no surprise to regulators that EDS ultimately experienced hazardous waste releases in October necessitating that the facility be shut down. Even after these releases occurred, the noncompliance has continued as EDS failed to respond to EPA requests for information and failed to allow access to facility records. It later became evident that EDS not only failed to retain injection records but also failed to have a trained operator on site during injection.

This company has shown a blatant disregard for the law and has demonstrated absolutely no responsibility for protecting public health or the environment. Given EDS's immediate and continuous history of noncompliance, I believe the maximum fines and penalties should be

assessed. On this basis, I would also argue the U.S. EPA has sufficient grounds for revoking EDS's UIC permits. Finally, I strongly request that no leniency should be given to the proposed new owners/operators of this facility: RDD or EGT. While these are new corporate entities, they are composed of primarily the same individuals previously associated with EDS and they are maintaining the same employees, both of whom should be held responsible for the failed operations at EDS. Not only should they be required to file a new application if they wish to obtain the UIC permits for the EDS wells but, if approved, they should also be required to be responsible for any and all unpaid fines and penalties assessed against EDS.

I look forward to your response.

Sincerely,

R.P. Lilly
RECAP of Romulus
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New Boston Mi 48164
734-753-4320

cc: Jo Lynn Traub, U.S. EPA Region 5 Water Division Director
Leslie Patterson, U.S. EPA Region 5 Enforcement Officer
Steven Chester, Michigan Department of Environmental Quality Director
Congressman John Dingell, U.S. House of Representatives
Mayor Alan Lambert, City of Romulus