



ENVIRONMENT

Poletown residents want legal protections from waste facility



by **Jena Brooker**
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(left) Sharon Buttry, a facilitator for the Detroit Hamtramck Coalition for Advancing Healthy Environment and KT Andresky, campaign organizer for Breathe Free Detroit, speak during a July 7, 2022, news conference on air quality violations at US Ecology South. The hazardous waste plant is asking the state to renew its operating permit. Neighbors want Detroit's City Council to establish a legal agreement to protect neighbors. (BridgeDetroit photo by Jena Brooker)

Community members are asking the City of Detroit to establish a host community agreement with a hazardous waste plant that has violated state air quality laws 35 times since 2014.

The facility, US Ecology South, located in Detroit's Poletown East neighborhood, stores and treats hazardous waste materials and is asking state regulators to renew its operating permit.

But before the request is decided, activists are urging the city to establish a legally-binding contract that would help mitigate harmful effects, like strong odors and air pollution, from the facility cited dozens of times by the Michigan Department of Environment, Great Lakes, and Energy.

"We know that if we don't get polluters to make promises that are legally binding contracts, they won't deliver. We've seen it over and over again," U.S. Rep. Rashida Tlaib, D-Detroit, said during a Thursday press conference.

Tlaib joined with State Rep. Abraham Aiyash, D-Hamtramck and state Sen. Stephanie Chang, D-Detroit, as well as residents and activists in front of the US Ecology South facility at 1923 Frederick Street to call on the city to protect the neighborhood from the polluting facility.

Resident KT Andresky, campaign organizer for Breathe Free Detroit, said that despite ongoing resident complaints to the state's environmental regulators, and violation notices from the state, the pollution continues. The latest violation was in April for nuisance odors.

"We want good neighbors in our community," Andresky said. "When we have to stop working outside in our gardens, and close our windows on hot summer days like this to keep foul odors outside of our homes, it's a major concern.

"The city has done nothing about this. We now urge the Detroit City Council to stand with our communities and require a host community

agreement with US Ecology, so we can work on solutions together," she said.

There is also concern from neighbors and environmental advocates that the issue isn't limited to just odors, but that the emissions are exacerbating respiratory and other health issues.

"Detroit does not have to be the epicenter of asthma as has been declared by (the Michigan Department of Health and Human Services) MDHHS," said Melissa Cooper Sargent, a resident of the neighborhood and an organizer with the Ecology Center, an environmental nonprofit.

After the press conference, organizers and residents canvassed by bike, to collect signatures for a petition to be submitted to the council seeking to initiate work on an agreement. The host community agreement has to be led by the council, the majority of which, Aiyash said, are on board. Detroit City Council President Mary Sheffield, who also represents District 5 where the facility is located, couldn't be immediately reached Thursday for comment.

EGLE's process for deciding on US Ecology's permit renewal request is expected to wrap up around October. If a host community agreement is established at that time, the details of what it would entail would be sorted out over the course of a year, Sharon Buttry, a facilitator for the Detroit Hamtramck Coalition for Advancing Healthy Environment, told BridgeDetroit. The agreement would be determined with community input and informed by a health study, she said. The organization received a pre-planning grant from the Kresge Foundation to conduct the study, Buttry said.

In 2018, the city council approved a host community agreement for US Ecology's North facility, which required the company to meet quarterly with residents in the neighborhood to keep them informed about operations. Through the agreement, activists got the company to reroute

trucks, and put an end to fracking waste coming from the facility. Mark Covington, one of the organizers who originally led the way to secure the agreement, said the company so far has upheld its agreements without issue.

A representative for US Ecology told BridgeDetroit in an email that community relations is a priority for the company in all the communities it serves and conducts operations.

“US Ecology has been having regular host-community meetings for years with Detroit and Hamtramck community members and has recently expanded the scope of the agenda for these meetings to include items related to the ‘Detroit South’ facility,” the representative added.

Buttry said that the company has begun to include information about US Ecology South during the US Ecology North host community agreement meetings. But she has concerns that the next person in management might not be so amenable.

“We need a formal agreement,” she said. “We can’t just rely on goodwill.”

Buttry is also a part of a civil rights complaint filed by the Great Lakes Environmental Law Center. The complaint alleges that EGLE discriminated against people of color by granting US Ecology a permit to expand operations at its North facility. In the neighborhood surrounding the facility, 80% of residents are people of color.

A resolution is expected in the coming weeks, according to Andrew Bashi, a lawyer for the law center.

Bashi said that getting an agreement for the US Ecology South facility will be slightly different because the permit is for renewal, not an expansion. But he told BridgeDetroit he’s hopeful that the city council will approve the community’s request.

In the formation of a host community agreement, “the state doesn’t really play much of a role,” he said. But generally speaking, Bashi said, “the state has not been great about addressing violations. When you have facilities that are allowed to accumulate dozens and dozens of violations without really any significant enforcement action, that to me, tells me that there’s a problem.”

But Jill Greenberg, a spokesperson for EGLE, told BridgeDetroit that the state “takes all complaints seriously,” including those involving odors.

“We have issued multiple violation notices to US Ecology South, and continue to work with them on modifications to an odor management plan required by a 2020 Consent Order,” Greenberg said. “We understand these odors are intrusive, and remain mindful of community concerns as we hold US Ecology accountable.”

Aiyash argues that the issues are representative of environmental racism and they are done by design.

“This problem is a uniquely Detroit problem, a uniquely Black and brown problem that somehow all of these facilities tend to get built,” he said, “and all all these permits tend to be issued in communities where everyone is little bit more Black, a little bit more brown, a little bit more poor than the rest of the state.”

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