



STATE OF MICHIGAN
OFFICE OF THE GOVERNOR
LANSING

JENNIFER M. GRANHOLM
GOVERNOR

JOHN D. CHERRY, JR.
LT. GOVERNOR

March 12, 2004

The President
The White House
Washington, DC 20500

VIA FACSIMILE: (202) 456-7015

Dear Mr. President:

I am writing today to ask that you direct the United States Environmental Protection Agency (EPA) to reject a request for a waiver from the Land Disposal Restriction (LDR waiver) for Environmental Disposal Systems (EDS) from Birmingham, Michigan.

EDS has proposed placing a hazardous waste deep injection well in Romulus, Michigan. This well would be the first of its kind in Michigan. The well would be drilled into the Mount Simon sub-surface formation. Liquid hazardous wastes, such as acids, solvents and leachates would be injected under pressure into the formation.

On March 4, 2004, in testifying before the House Appropriations Subcommittee on VA-HUD-Independent Agencies, Administrator Mike Leavitt committed to make a decision on the EDS waiver "by mid-March." We understand EPA will likely act on this waiver next Tuesday, March 16.

There are a number of reasons why this waiver should not be issued. Sunoco Partners Marketing and Terminals L.P. (Sunoco) may be operating brine injection and extraction wells in the same sub-surface formation as EDS, which would likely result in cross-contamination of Sunoco's wells with hazardous waste from EDS. Sunoco and EDS have been locked in a lawsuit over the use of the formation, since EPA has indicated that the uses are incompatible. For EPA to now go forward and grant the waiver would be in direct contradiction to its own previous analysis of this matter. I am asking that you direct EPA to reject the EDS waiver since these uses are considered incompatible based on their prior determination.

The issue of the proposed EDS deep injection well has stirred significant concern and outrage in this state. I want to make it clear that under no circumstances do we want Michigan to be a regional, national or international repository for commercial hazardous waste. EPA has the clear authority to make a decision with regard to the appropriateness of this activity, while the state does not. The federal government has the responsibility to make a decision that will protect the citizens of Michigan. The affected communities are unified in their opposition to EDS's proposed well, and have the support of business groups, realtors and most elected officials.

Thank you for your consideration in this matter.

Sincerely,

Jennifer M. Granholm
Governor

c: Administrator Mike Leavitt, Environmental Protection Agency