



The Problem

- How to redevelop an ~183 acre parcel of property with contaminated buildings, ponds, soil and groundwater where the cost of cleanup may vastly exceed the fair market value of the property?
- Aggravating factor: the company that caused the contamination went bankrupt (1995).



EPA Confronted with this Problem

- Wayne County Forecloses (03/31/17)
- State of Michigan Declines (04/28/17)
- City of Trenton Declines (07/17/17)
- Wayne County writes EPA (07/27/17)
- Wayne County & Crown execute Purchase and Development Agreement (09/28/17)



Wayne County Letter to EPA

- “. . . .environmental liability poses the main lingering uncertainty. . . .”



The Solution

- A public/private partnership
- The private partner takes the lead and addresses the most immediate threats
- The public partner performs a thorough investigation and proposes and over time funds long-term remedies.



Obstacles to Private/Public Partnership

- Private partners need a written assurance from the federal and state government that if it takes title to the contaminated property it will not become liable for the entire cost of cleaning up contamination that it did not cause.



The Solution

- Settlement Agreement and Covenant Not to Sue
- The Settlement Agreement describes what MSC promises to do
- The CNTS promises that if MSC honors the Agreement, neither the federal nor state government will ask MSC to do more



Goal of Agreement: Address most pressing concerns

- Install a fence and otherwise secure the Site
- Remove water/sludges from 23 subsurface structures (pits, basements, etc.)
- Remove from all structures and buildings ACM, containerized wastes, and PCB-contaminated material
- Demolish ~45 buildings and structures



The Agreement

- Investigate five areas where PCBs are believed to have been released
- Assess and report on options for stormwater management to eliminate uncontrolled flow to the Trenton Channel of the Detroit River
- Cooperate with EPA during Remedial Investigation and Remedial Action work



The Agreement

- Refrain from exacerbating conditions
- Refrain from installing drinking water wells
- Characterize footprint of areas slated for construction
- Allow EPA and State oversight
- Reimburse State for oversight costs



The Covenant Not to Sue

- EPA and EGLE agree not to sue either MSC or Crown Enterprises, Inc. for contamination caused by McLouth and DSC
- EPA and EGLE reserve their rights to sue MSC if it aggravates conditions at the Site, fails to take reasonable steps to prevent releases or doesn't honor Agreement



The Results

- ACM, containerized wastes and PCB-contaminated materials have been removed
- Contaminated water/sludge has been removed from subsurface structures
- Over 40 buildings/structures have been demolished
- Surface water has been kept on-Site



Issues

- Demolition has resulted in the off-site migration of dust on more than one occasion
- EPA observed demolition in February 2020 in which dust migrated off-site
- EPA demanded that MSC revise demolition procedures to reduce migration of dust
- MSC submitted a revised dusts control plan



Next Steps

- MSC finishes removal of water and sludge from all subsurface structures
- MSC completes demolition of all structures
- MSC finalizes investigation of PCB areas
- MSC submits surface water management plan
- MSC submits final report