

**RESOLUTION URGING FCA-DETROIT ASSEMBLY COMPLEX MACK TO SUBMIT
A SUPPLEMENTAL ENVIRONMENTAL PROJECT PROPOSAL AS PART OF
CORRECTING VIOLATIONS REPORTED IN THE SEPTEMBER 20, 2021
VIOLATION NOTICE FROM THE DEPARTMENT OF ENVIRONMENT, GREAT
LAKES, AND ENERGY (EGLE)**

By Detroit City Council Member Raquel Castañeda-López

WHEREAS, In Detroit, many low-income communities of color are located near heavily industrialized areas where major sources of pollution are concentrated. The severe, adverse health related impacts of air pollution disproportionately fall on these populations and can lead to increased rates of asthma, compromised immune responses, and other adverse consequences; and

WHEREAS, Residents living in these frontline communities have long been concerned that air quality is not adequately protected or enforced by governmental entities responsible for such, and violators of the regulatory schemes are not severely punished, and even when regulatory enforcement action is taken, it fails to provide adequate remedies to those affected, or deterrence to polluters; and

WHEREAS, After numerous complaints by residents of the neighborhood surrounding the new FCA/Stellantis Jeep Detroit Assembly Complex on the City’s eastside in August and September of 2021, officials from the Michigan Department of Environment, Great Lakes, and Energy (EGLE) investigated the circumstances surrounding the odors emitted by the facility at FCA US LLC-Detroit Assembly Complex Mack, located at 4000 Saint Jean Street, Detroit, Michigan, which residents described as powerful, caustic odors causing burning eyes, coughs, and other symptoms of such an intensity as to prevent residents from venturing out of their homes; and

WHEREAS, Following an investigation of complaints received on August 27, 31, and September 3, 2021, EGLE issued a formal **Violation Notice on September 20, 2021**, finding that staff observed “persistent and objectionable paint/solvent odors of moderate to strong intensity impacting residential areas downwind of the facility”, and that further, “the odors observed during each investigation were objectionable and of sufficient intensity, duration, and frequency to constitute a violation of Rule 901(b)” of the State administrative rules, thus constituting an “unreasonable interference with the comfortable enjoyment of life and property”; and

WHEREAS, A longstanding policy of EGLE, last revised in August 2020,¹ can provide a direct remedy to the affected community when, as in the instant case, EGLE determines that a violation of an air standard has occurred. The violator is given an opportunity to enter into a formal consent agreement to correct the violation. Such an agreement can provide monetary and other relief, such as operational, maintenance or monitoring requirements, or a Supplemental Environmental Project (SEP); and

¹ https://www.michigan.gov/documents/egle/04-002_Supplemental_Environmental_Projects_for_Penalty_Mitigation_656300_7.pdf

WHEREAS, An SEP is an environmentally beneficial project that a violator may agree to undertake as part of the terms of a consent agreement. Some examples of SEPs include air filtration systems for nearby schools to protect or improve indoor air quality (the FCA Complex is in extremely close proximity to Southeastern High School), or vegetative green buffers to minimize obvious effects of pollutants and noise; and

WHEREAS, In Michigan, monetary penalties for violating air quality standards go to the State general fund rather than to the frontline communities that are most affected by pollution. The inability of neighboring communities to receive direct benefits from funds assessed as fines often leads residents of these communities to prefer an SEP rather than merely monetary fines as penalty mitigation; and

WHEREAS, According to EGLE's SEP policy, the violator may propose a SEP in lieu of a portion of the monetary penalty and EGLE has discretion to approve or disapprove of the proposed SEP. Both EGLE and related United States Environmental Protection Agency (EPA) policies encourage considering community input in developing SEP proposals. **NOW, THEREFORE, BE IT**

RESOLVED, That the Detroit City Council strongly urges FCA US LLC-Detroit Assembly Complex Mack to submit a Supplemental Environmental Project proposal as part of correcting violations addressed in the September 20, 2021 Violation Notice from EGLE; and **BE IT FURTHER**

RESOLVED, That the Detroit City Clerk is directed to send copies of this resolution to Mayor Mike Duggan, Wayne County Executive Warren Evans, Governor Gretchen Whitmer, the Director of the Michigan Department of Environment, Great Lakes, and Energy, the Director of the United States Environmental Protection Agency, members of the Detroit delegation in the State Legislature, and members of the Michigan delegation in Congress.

October 11, 2021