



STATE OF MICHIGAN  
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
LANSING

RICK SNYDER  
GOVERNOR

NICK LYON  
DIRECTOR

VIA E-MAIL

To: Ms. C. Heidi Grether, Director, Department of Environmental Quality

From: Kory Groetsch, Acting Environmental Public Health Director,  
Division of Environmental Health

A handwritten signature in black ink, appearing to read "Kory Groetsch".

Date: December 16, 2016

Subject: Electro-Plating Service, Inc., 945 East 10 Mile Road, Madison Heights, Oakland County,  
Michigan - Determination of Imminent and Substantial Hazard

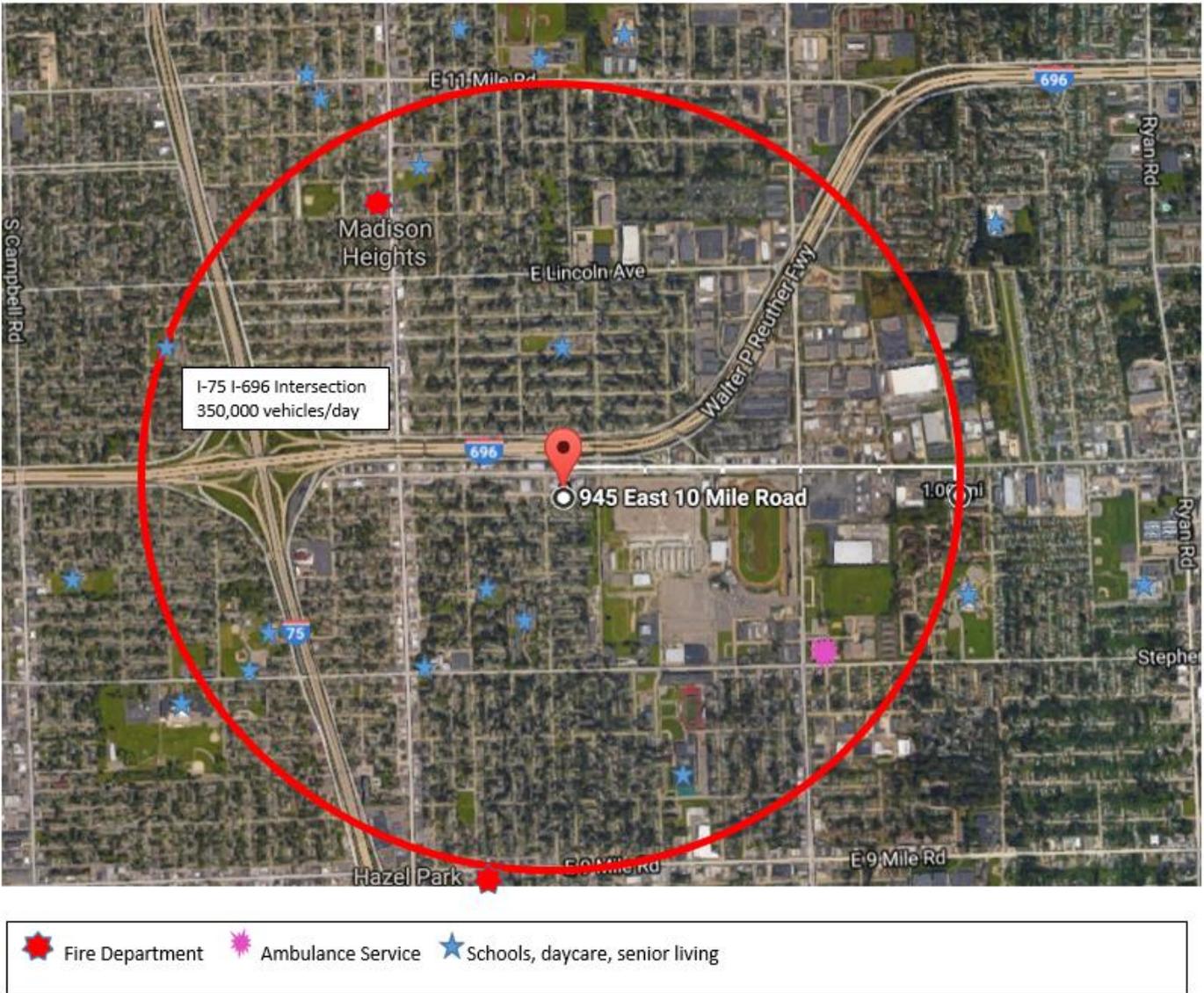
In response to the December 16, 2016 letter (see attached) requesting a public health determination, pursuant to Section 11148(1)(a) of Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, regarding the conditions at Electro-Plating Service (EPS), Inc. (945 East 10 Mile Road, Madison Heights, Oakland County, Michigan) the Michigan Department of Health and Human Services (DHHS) finds that the conditions at this property are an **imminent and substantial hazard to public health**. DHHS recommends DEQ use any and all necessary authorities to secure the property and address all hazards at this location. If DEQ determines it is necessary, DHHS would concur with referring the site to the United States Environmental Protection Agency Removal Program (On-Scene Coordinators) for a time-critical or emergency removal of these hazards.

DHHS reviewed the DEQ briefing report (attached), the two violation notices (attached), and the series of photos (select photos attached) regarding conditions at the EPS property. This property is in Madison Heights, a very densely populated suburb of Detroit. This facility is dilapidated with doors, windows and roofing materials missing and replaced with plastic sheeting. It contains an estimated 5,000 containers of labeled and unlabeled chemicals. These chemicals are scattered throughout the facility in containers that are leaking, unlabeled, open and badly corroded. Many of these chemicals are highly toxic and corrosive and would be dangerous to any trespassers who could enter the unsecured facility and would be a hazard to any first responders responding to the facility.

In addition, certain highly hazardous chemicals are likely at this facility based on the attached Photos No. 28 (cyanide) and No. 25 (plating baths containing hydrochloric acid). Additional containers of hydrochloric acid were found in the facility by MDEQ. The combination of these two chemicals or the addition of an excess amount of water, such as used in firefighting, can produce a highly toxic cloud of hydrogen cyanide. Should such an incident occur, the United States' Department of Transportation's Emergency Response Guide recommends protecting all persons within 1.0 mile during the day and 2.5 miles at night, downwind of a spill of these chemicals from this type of facility. Figure 1 gives the 1 mile distance from the site which includes; the Madison Heights Fire Station (the Hazel Park Fire Station is just outside 1 mile), the ambulance service, 9 daycares, schools and senior living facilities. It also includes the I-75 / I-696 intersection where 350,000 vehicles travel each day. It would be very difficult to evacuate people quickly from this densely populated area before they suffered serious health effects from such an exposure.

cc/enc: Mr. Nick Lyon, Director, DHHS  
Ms. Nancy Vreibel, Chief Deputy Director, DHHS  
Dr. Eden Wells, Medical Director, DHHS  
Ms. Susan Moran, Deputy Director, Population Health, DHHS  
Ms. Sarah Lyon-Callo, State Epidemiologist, Director of Bureau of Epi. & Pop. Health, DHHS  
Ms. Lisa Quiggle, Toxicologist, Division of Environmental Health, DHHS  
Ms. Kathy Forzley, Health Officer/Manager, Oakland County Health Division  
Mr. Anthony Drautz, Administrator, Environ. Health Services, Oakland County Health Division  
Mr. Greg Lelito, Chief, Madison Heights Fire Department  
Mr. S. Peter Manning, DAG  
Ms. Polly Synk, DAG  
Mr. Robert Wagner, Program Deputy Director, DEQ  
Ms. Susan Leeming, DEQ  
Mr. Steve Sliver, DEQ  
Mr. Phil Raycraft, DEQ  
Mr. John Craig, DEQ  
Mr. Lonnie Lee, DEQ  
Mr. Alan Taylor, DEQ  
Ms. Tracy Kecskemeti, DEQ  
Ms. Alexandra Clark, DEQ

**Figure 1:** The approximate one mile radius from EPS, Inc. 945 East 10 Mile Road, Madison Heights, Oakland County.



## ATTACHMENTS



Photo 28: 50 kilogram cyanide container – note powder or crystals on container surface



Photo 25: Representative plating bath



Photo 55: View of missing wall area on top floor of main building



Photo 41: Missing bay door on north side of building



Photo 15: Missing bay door facing north – purported cyanide storage in totes against wall



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
LANSING



C. HEIDI GREETHER  
DIRECTOR

December 16, 2016

VIA E-MAIL

Mr. Nick Lyon, Director  
Department of Health and Human Services  
333 South Grand Avenue  
P.O. Box 30037  
Lansing, Michigan 48909

Dear Director Lyon:

The Department of Environmental Quality (DEQ) seeks the assistance of the Department of Health and Human Services (DHHS) to facilitate issuance of an administrative order (Order) pursuant to Section 11148(1)(a) of Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended. Section 11148 of Part 111 provides for the DEQ to consult with the DHHS and for the Director of the DHHS to make a determination, based on available information, of an instance of an imminent and substantial hazard to the health of persons or endangering or causing damage to public health. Section 11148 of Part 111 states specifically:

- (1) Subject to subsection (2), upon receipt of information that the storage, transportation, treatment, or disposal of hazardous waste may present an imminent and substantial hazard to the health of persons or to the natural resources, or is endangering or causing damage to public health or the environment, the department, after consultation with the director of public health or a designated representative of the director of public health, shall take 1 or more of the following actions:
  - (a) Issue an order directing the owner or operator of the treatment, storage, or disposal facility, the generator, the transporter, or the custodian of the hazardous waste that constitutes the hazard, to take the steps necessary to prevent the act or eliminate the practice that constitutes the hazard. The order may include permanent or temporary cessation of the operation of a treatment, storage, or disposal facility, generator, or transporter. An order issued under this subdivision may be issued without prior notice or hearing and shall be complied with immediately. An order issued under this subdivision shall not remain in effect more than 7 days without affording the owner or operator or custodian an opportunity for a hearing. In issuing an order calling for corrective action, the department shall specify the precise nature of the corrective action necessary and the specific time limits for performing the corrective action. If corrective action is not completed within the time limit specified and pursuant to the department's requirements, the department shall issue a cease and desist order against the owner or operator of the treatment, storage, or disposal facility, generator, or transporter and initiate action to revoke the operating license and take appropriate action.

(b) Request that the attorney general commence an action to enjoin the act or practice and obtain injunctive relief upon a showing by the department that a person has engaged in the prohibited act or practice.

(c) Revoke a permit, license, or construction permit after reasonable notice and hearing pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, if the department finds that a treatment, storage, or disposal facility is not, or has not been, constructed or operated pursuant to the approved plans or this part and the rules promulgated under this part, or the conditions of a license or construction permit.

(2) A determination of an instance of imminent and substantial hazard to the health of persons shall be made by the director of community health.

Therefore, enclosed for your consideration are a briefing report, two Violation Notices resulting from inspections by the DEQ and the Madison Heights Fire Department, and a series of photographs that document current conditions at Electro-Plating Service, Inc., a hazardous waste generator located at 945 East 10 Mile Road, Madison Heights, Oakland County, Michigan. Since issuance of the initial Violation Notice, the owner/operator has failed to take effective measures to abate the hazard posed by the conditions at the site. The DEQ is seeking an expedited review and determination from the DHHS.

DEQ staff has shared information with Mr. Kory Groetsch, Division of Environmental Health, DHHS, on this matter to help facilitate the DHHS review and issuance of a Determination of Imminent and Substantial Hazard. A draft Order, with an anticipated issuance date of late December 2016, is in preparation and will be shared with staff of the Department of Attorney General (DAG); staff of the U.S. Environmental Protection Agency, Region 5, Superfund Division, Emergency Response Branch; and your staff to coordinate a schedule for this action.

Thank you in advance for your support in this matter. If you have any questions or concerns, please contact Mr. Steve Sliver, Acting Chief, Office of Waste Management and Radiological Protection, at 517-284-6595; [slivers@michigan.gov](mailto:slivers@michigan.gov); or DEQ, P.O. Box 30241, Lansing, Michigan 48909-7741; or you may contact me.

Sincerely,



C. Heidi Grether  
Director  
517-284-6700

Enclosures

Mr. Nick Lyon  
Page 3  
December 16, 2016

cc/enc: Mr. Greg Lelito, Chief, Madison Heights Fire Department  
Mr. S. Peter Manning, DAG  
Ms. Polly Synk, DAG  
Mr. Kory Groetsch, DHHS  
Mr. Robert Wagner, Program Deputy Director, DEQ  
Ms. Susan Leeming, DEQ  
Mr. Steve Sliver, DEQ  
Mr. Phil Roycraft, DEQ  
Mr. John Craig, DEQ  
Mr. Lonnie Lee, DEQ  
Mr. Alan Taylor, DEQ  
Ms. Tracy Kecskemeti, DEQ  
Ms. Alexandra Clark, DEQ

## MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY

**Briefing Report**  
**Electro-Plating Service, Inc.**  
**945 East 10 Mile Road, Madison Heights, Oakland County, Michigan**  
**Site ID: MID042444687; WDS No. 395573**

This serves as a formal briefing related to conditions documented at Electro-Plating Service, Inc. (EPS), located at 945 East 10 Mile Road, Madison Heights, Oakland County, Michigan, and owned/operated by Mr. Gary Sayers.

### **Background**

EPS is an operating electroplating facility that has been in operation since 1967. EPS is a large quantity hazardous waste generator and has generated a variety of hazardous wastes including, but not limited to, cyanide, chrome, and trichloroethylene wastes. Hazardous waste violations were documented by Department of Environmental Quality (DEQ) staff beginning in 1996. From 1996 to 2009, there were 15 compliance actions, including criminal enforcement, related to EPS for the Madison Heights facility as well as the second EPS location at 5900 Commonwealth, Detroit, Michigan 48208. A Consent Order (Order #111-03-10) was executed between EPS and the Department of Natural Resources and Environment (now DEQ) in April of 2010 to resolve significant hazardous waste violations due to EPS's ongoing inability to properly characterize and store hazardous waste; properly store or label process materials; provide for proper emergency planning and employee training; and comply with hazardous waste reporting requirements. The 2010 Consent Order currently remains open.

### **Current Conditions – Imminent and Substantial Endangerment**

DEQ staff conducted an abbreviated inspection on May 13, 2016, as result of a complaint filed with the DEQ by the Madison Heights Fire Department that alleged EPS was mismanaging hazardous materials, hazardous wastes, other liquid and solid wastes, and unidentified chemicals. These allegations were substantiated during the inspection, and a Violation Notice was issued to EPS on June 6, 2016. In addition, the Madison Heights Fire Department revoked EPS's occupancy from May 11 to May 27, 2016, due to fire and building code violations.

Despite ongoing communication with EPS's attorney, as of November 2016, the DEQ had not received a formal written response to the Violation Notice issued on June 6, 2016. Therefore, DEQ staff conducted a joint follow-up inspection with the Madison Heights Fire Department on November 15, 2016. The conditions observed on November 15, 2016, were consistent with those observed on May 13, 2016, and pose an imminent and substantial threat to human health and the environment. Specifically, the following conditions pose an imminent and substantial endangerment threat:

- An estimated 5,000 containers of known and potential hazardous waste, hazardous chemicals, and unknown waste are present at the facility, which has unrestricted access. A residential neighborhood is within 500 feet of the facility and Interstate 696 is immediately adjacent to the facility, resulting in the potential to expose residents and passersby to hazardous substances in the event of a fire, release, or curious children entering the facility. The unknown and hazardous nature of many of the container contents poses a potential exposure hazard to trespassers and first responders who could be exposed to a hazardous material and not know what the material is or how to properly treat injuries caused by it.

- The hazardous and potentially hazardous nature of many container contents and the unrestricted access to the facility increases the potential for fire or explosion (intentional or unintentional).
- Hazardous waste and potentially hazardous waste and chemicals that are contained in dilapidated or open containers could result in overflow and run-off of contamination due to areas of the facility that are exposed to weather conditions. The basement “pit” is known to receive liquid wastes, and the degree of infiltration of contaminants to the underlying soil is unknown and could be exacerbated due to precipitation.

### General Observations

The facility is significantly dilapidated with many doors, windows, and roof areas missing or only covered by plastic sheeting, resulting in unrestricted access (**Photo 15**). The plating bath floor consists of unstable and makeshift flooring. The facility is extremely cluttered and filled with numerous containers (estimated over 5,000) of liquid and solid waste, chemicals, equipment, and debris. The number and extreme clutter of containers, equipment, and debris has resulted in blocked exits and impassable portions of the facility (**Photo 8**). Numerous leaking, unlabeled, open, improperly stored, and/or badly corroded containers with contents are present (**Photos 7, 16, 21, 31, 32, 33 and 43**). Known waste and chemicals on-site include, but were not limited to, acids, bases, metal oxides, cyanide, and chlorinated solvents; however, many of the container contents are unknown. There is no discernable system for storage of waste and chemicals based on chemical compatibility.

Liquids leaking from the plating bath floor are accumulating in the basement “pit” (**Photos 11 and 12**). The “pit” is a portion of the basement that Mr. Sayers excavated around 1993 with the intention of storing waste. The competency of the soil underlying the pit is undocumented; however, toxicity characteristic leaching procedure (TCLP) sample data collected from the excavated soil in 1993 indicated detectable concentrations of cadmium, chromium, copper, lead, and zinc. During the November 15, 2016, inspection, Mr. Sayers indicated he removed the sludge (waste) that was previously accumulated in the lower portion of the basement and moved the sludge to an elevated portion of the basement to dry out. The dried sludge was observed during the inspection. Mr. Sayers also indicated he used sludge from F006 (chrome) listed hazardous waste to dike the areas around the basement sludge.

The DEQ issued a 2<sup>nd</sup> Violation Notice to EPS on December 2, 2016.

### Recommendations

A lengthy history of noncompliance has been documented at EPS as the result of Mr. Sayer’s operations. The ongoing violations of Part 111, Hazardous Waste Management, and Part 121, Liquid Industrial By-Products, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the existing Consent Order, along with the disorganization and the dilapidated state of the facility, demonstrate that Mr. Sayers’ is incapable or unwilling to operate the facility in compliance with the law. Further, the conditions observed on November 15, 2016, demonstrate the facility poses an imminent and substantial threat to human health and the environment. Conventional compliance enforcement tools have not been effective at this facility. Given the severity of the violations, an Order to Perform Corrective Action and Cease and Desist Operations is recommended. Referral of the site to the United

States Environmental Protection Agency, Superfund Division, Emergency Response Branch, is recommended once operations at the facility have ceased in order to perform an emergency removal action that will: (1) secure access to the facility; and (2) secure and properly manage all uncontrolled hazardous waste and materials.

Prepared by: Alexandra Clark  
Senior Environmental Quality Analyst  
Office of Waste Management and Radiological Protection  
Southeast Michigan District Office  
Department of Environmental Quality  
December 16, 2016



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOUTHEAST MICHIGAN DISTRICT OFFICE



KEITH CREAGH  
DIRECTOR

June 6, 2016

Mr. Gary Sayers, President  
Electro-Plating Service, Inc.  
945 East Ten Mile Road  
Madison Heights, Michigan 48071

Dear Mr. Sayers:

SUBJECT: Violation Notice, Electro-Plating Service, Inc.  
Site Identification Number: MID 042 444 687

On May 13, 2016, Department of Environmental Quality (DEQ), Office of Waste Management and Radiological Protection (OWMRP) and Water Resources Division (WRD), staff conducted an abbreviated inspection of Electro-Plating Service, Inc. (EPS), located at 945 East Ten Mile Road, Madison Heights, Michigan. Due to hazardous conditions and safety considerations, DEQ staff were not able to conduct a full inspection to thoroughly evaluate compliance with applicable regulations. This Violation Notice will address issues related to waste management at EPS. Issues or violations relative to storm water management or water quality protection regulations will be addressed by WRD under separate cover.

This inspection was completed, in part, in response to a complaint filed with the DEQ on May 12, 2016, by the Madison Heights Fire Department which alleged that EPS was mismanaging hazardous materials, hazardous wastes, other liquid and solid wastes, and unidentified chemicals. Based on observations, photographs taken, and statements made by you during the inspection, the allegations in the complaint were substantiated.

During the inspection, OWMRP staff evaluated compliance with Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 121, Liquid Industrial By-Products, of the NREPA; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended; any administrative rules or regulations promulgated pursuant to these acts, and Consent Order No. 111-03-10. Although the scope of the inspection was extremely limited, the following violations have been identified to date:

1. EPS shall not accumulate hazardous waste for more than 90 days if the site generates more than 1,000 kilograms of hazardous waste or more in a month, nor more than one hundred eighty days if the site generates more than 100 kilograms but less than 1,000 kilograms of hazardous waste in a month, as required by R 299.9306(1), R 299.306(3), and R 299.9306(4).

At the time of the inspection, you indicated that the wastewater treatment sludge (F006 listed hazardous waste) in the tanks had been accumulated for over one year and the crystallized nickel and copper sulfate wastes were several years old.

2. EPS shall evaluate all wastes generated in accordance with R 299.9302 to determine if the wastes are hazardous waste or liquid industrial byproduct as required by MCL 324.11138(1)(a), MCL 324.12103(1)(a) and R 299.9302(1).

At the time of the inspection, numerous unlabeled containers were observed, the contents of which you could not positively identify nor provide waste characterization.

3. EPS shall maintain and operate the facility such that EPS minimizes the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste in accordance with 40 CFR, Section 265.31, and as required by R 299.9306(4)(e).

During the inspection, staff observed numerous leaking containers, containers improperly stacked, and the facility was generally impassable due to the excessive accumulation of materials throughout. In addition to the safety concerns that DEQ staff observed during the inspection, the DEQ understands that the City of Madison Heights condemned the property from May 11-27, 2016, for significant violations of the fire and building codes. The observed conditions do not minimize the risk of fire, explosion, or unanticipated releases.

4. EPS shall keep all containers of hazardous waste and liquid industrial byproduct closed except when it is necessary to add or remove waste as required by R 299.9306(1)(a)(i), MCL 324.12113(1), and the corresponding federal regulations under 40 CFR, Section 265.173(a).

Numerous open containers were observed during the inspection.

5. EPS shall inspect containers of hazardous waste at least weekly for leaks and deterioration in accordance with 40 CFR, Section 265.174; respond to detected leak(s) in accordance with 40 CFR, Section 265.171; document the inspections and any correction(s); maintain the documentation for at least three (3) years as required by R 299.9306(1)(a)(i).

Numerous leaking containers were observed during the inspection.

6. EPS shall store all liquid industrial byproduct protected from weather, fire, physical damage, and vandals in containers that are closed or covered, except when necessary to add or remove waste, to prevent the escape of liquid industrial byproduct to the environment.

Because many of the wastes observed could not be identified, staff could not differentiate between hazardous waste and liquid industrial by-products, as defined in Part 121. Liquid wastes, that were presumed to not be hazardous wastes, were observed in open containers, improperly stacked, and staged outdoors.

EPS is advised to take immediate action to correct the cited violations and attain compliance with all applicable regulations. The DEQ understands that EPS has contracted US Ecology to perform assessment services at the facility. In response to this Violation Notice, EPS is requested to provide the following:

1. **By June 20, 2016:** A report including a complete inventory of all hazardous wastes, liquid industrial by-products, and industrial chemicals on-site. This inventory shall encompass the seven contiguous properties owned by EPS on 10 Mile Road. The report shall document, narratively and by photograph, the current condition of all tanks

and containers. Relevant descriptors include: waste/product, open/closed, leaking/not-leaking, bulging, crystallized, labeled/unlabeled, accumulation dates, location, etc. The report shall also include a description of any actions taken between the time of the inspection and the submittal of this report to manage hazardous wastes or liquid industrial by-products; including any discharges to the sewer system, consolidating of waste materials, or removal of waste materials off-site.

2. **By June 27, 2016:** A work plan for the removal of all non-compliant hazardous wastes and liquid industrial by-products from the facility. This work plan shall identify high priority materials or areas and an aggressive timeline for proper disposal off-site.
3. **Beginning July 11, 2016 and continuing bi-weekly through the completion of the removal:** Progress reports detailing wastes removed from the site, including photographs and manifests.

Please be advised that compliance with this Violation Notice does not preclude, nor limit, the DEQ's ability to initiate any other enforcement action under state or federal law, as deemed appropriate for past, current, or continuing violations of the NREPA. EPS remains subject to the terms and conditions of Consent Order No. 111-03-10, including the provisions for stipulated penalties.

The DEQ anticipates and appreciates your cooperation in resolving this matter. If you have any questions, please feel free to contact Ms. Sue McDonald at [mcdonalds3@michigan.gov](mailto:mcdonalds3@michigan.gov) or at 586-753-3844.

Sincerely,



Ms. Tracy Kecskemeti  
District Supervisor  
Southeast Michigan District Office  
Office of Waste Management  
and Radiological Protection  
248-217-3080

cc: Mr. Philip J. Tannian, Attorney, Environmental Legal Service  
Mr. Frank Hayward, Madison Heights Building Official  
Mr. Sean Knight, Madison Height Fire Marshall  
Mr. John Craig, DEQ  
Mr. Lonnie Lee, DEQ  
Ms. Sue McDonald, DEQ  
Mr. Mark Daniels, DEQ



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
SOUTHEAST MICHIGAN DISTRICT OFFICE



C. HEIDI GREYER  
DIRECTOR

December 2, 2016

Mr. Gary Sayers, President  
Electro-Plating Service, Inc.  
945 East Ten Mile Road  
Madison Heights, Michigan 48071

Dear Mr. Sayers:

SUBJECT: 2<sup>nd</sup> Violation Notice, Electro-Plating Service, Inc.  
Site Identification Number: MID 042 444 687

The Department of Environmental Quality (DEQ), Office of Waste Management and Radiological Protection (OWMRP) has determined that Electro-Plating Service, Inc. (EPS) is operating in significant violation of state and federal hazardous waste management regulations, including Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended; Part 121, Liquid Industrial By-Products, of the NREPA; any administrative rules or regulations promulgated pursuant to these acts, and Consent Order No. 111-03-10, entered into by yourself and this department on April 13, 2010. This 2<sup>nd</sup> Violation Notice addresses the continuing hazardous waste violations at EPS.

On November 15, 2016, Department of Environmental Quality (DEQ), Office of Waste Management and Radiological Protection (OWMRP) and Madison Heights Fire Department staff conducted a follow-up inspection of EPS, located at 945 East Ten Mile Road, Madison Heights, Michigan and the two affiliated building located to the west of 945 East Ten Mile Road (facility). This inspection was completed as a follow-up to an initial complaint inspection conducted on May 12, 2016. A violation notice was issued to EPS on June 6, 2016 as a result of the initial inspection. As of the date of this 2<sup>nd</sup> violation notice, no formal response to the initial violation notice has been received by DEQ, nor have any of the requested reports or work plans been provided by EPS.

#### Facility Conditions

The facility consists of a large building with four levels (main electroplating operations) and two smaller buildings located to the west on East Ten Mile Road. During the inspections, the facility was observed to be in a significant state of disrepair with many doors, windows and roof areas missing or only covered by plastic sheeting, resulting in unrestricted access. The facility was extremely cluttered and filled with numerous containers (estimated over 5,000) of liquid and solid waste, chemicals, equipment and debris. The volume and disorganization of containers, equipment and debris resulted in blocked exits and impassible portions of the facility. Numerous unlabeled, open, improperly stored and/or badly corroded containers were observed. Waste and chemicals on site included, but were not limited to, acids, bases, metal oxides, cyanide and chlorinated solvents.

Extensive staining and pooling of liquids, including oil staining, was observed on the floor throughout the facility. Liquids leaking from the plating bath floor were observed accumulating in the basement "pit". DEQ staff understands that EPS excavated this earthen pit, which is approximately 20 feet wide, 50 feet long, and 2 feet deep, in the basement to collect plating wastes. Mr. Sayers indicated he removed the sludge that was previously accumulated in the lower portion of the basement and moved the sludge to an elevated portion of the basement to dry out. The dried sludge was observed during the inspection. Mr. Sayers also indicated he used sludge from the on-site wastewater treatment plant (F006 listed hazardous waste) to dike the areas around the basement sludge.

Several areas of the main electroplating building were observed to have unstable flooring. Unstable and worn out flooring (the level underneath could be observed through the flooring) was observed throughout the plating bath floor. Metal plates are used to cover over worn-out portions of the flooring for walkways. Despite the use of metal plates, several areas of the flooring would sink when walked across. A cigarette ash tray was observed by the Madison Heights Fire Department Fire Marshal, indicating evidence of employees smoking on the plating bath floor. At least 3 employees were present during the time of inspection and none were observed to be wearing respiratory personal protective equipment.

The two buildings located to the west of the main electroplating building (includes 901-945 East Ten Mile Road) are completely full of miscellaneous containers with contents (including containers with hazard class labels), unused storage tanks, equipment and debris. A plastic and foam berm has been installed in the building west of the main electroplating building. Mr. Sayers indicated the containers stored in the bermed area mostly contain hydrochloric acid. However, many of the containers were observed to be unlabeled and/or badly corroded. Compatibility of all drum contents with hydrochloric acid is unknown.

### Violations

Due to the extraordinary disorder of the facility and the significant safety concerns present, a routine regulatory inspection could not be performed and a complete list of violations has not been established. Instead, the following list of violations represents the broad view and the most pressing conditions that threaten public safety and the environment.

1. EPS shall not accumulate hazardous waste for more than 90 days if the site generates more than 1,000 kilograms of hazardous waste or more in a month, nor more than one hundred eighty days if the site generates more than 100 kilograms but less than 1,000 kilograms of hazardous waste in a month, as required by R 299.9306(1), R 299.306(3), and R 299.9306(4).

During the initial May 12, 2016 inspection, Mr. Sayers indicated that the wastewater treatment sludge (F006 listed hazardous waste) in the tanks had been accumulated for over one year and the crystallized nickel and copper sulfate wastes were several years old. During the November 15, 2016 inspection, Mr. Sayers indicated no waste had been shipped off site since the initial inspection. Therefore, EPS continues to be in violation of the hazardous waste accumulation requirements.

2. EPS shall not establish an unlicensed hazardous waste storage facility as defined in MCL 324.11104(5). A generator who accumulates hazardous waste for more than 90 days is an operator of a storage facility and subject to the licensing and operating

requirements of parts 5, 6 and 7 of the Part 111 Administrative Rules, in accordance with R 299.9306(3).

EPS has accumulated hazardous waste past 90 days and now meets the definition of a hazardous waste storage facility. However, EPS has not met the licensing or operating requirements for a hazardous waste storage facility, nor have financial assurance obligations for such a facility been met.

3. EPS shall place hazardous waste in containers or tanks or on drip pads, as required by R 299.9306(1)(i)(ii)(iii).

Mr. Sayers indicated he had used the F006 listed hazardous waste as dike material for sludge that was removed from the basement pit to dewater on the surface of the basement floor. Further, the earthen pit that was excavated in the basement has been receiving leakage from plating liquids and accumulating sludge that is likely hazardous waste. Neither the basement floor nor the pit complies with the definitions of "containers" (R 299.9102(q)) or "tanks" (R 299.9108(a)) suitable for hazardous waste storage.

4. EPS shall evaluate all wastes generated in accordance with R 299.9302 to determine if the wastes are hazardous waste or liquid industrial byproduct as required by MCL 324.11138(1)(a), MCL 324.12103(1)(a) and R 299.9302(1).

At the time of the inspection, numerous unlabeled containers were observed, the contents of which could not be positively identified.

5. EPS shall maintain and operate the facility such that EPS minimizes the possibility of a fire, explosion, or any unplanned sudden or nonsudden release of hazardous waste in accordance with 40 CFR, Section 265.31, and as required by R 299.9306(4)(e).

During the inspection, staff observed numerous open, improperly stored, unlabeled and leaking containers. An excessive accumulation of containers and other materials has occurred throughout the facility. Several doors, windows and areas of roofing were missing or covered only by plastic sheeting. The majority of the plating bath floor is covered with make-shift flooring to cover over areas that have corroded. In addition to the safety concerns that DEQ staff observed during the inspection, the DEQ understands that the City of Madison Heights revoked occupancy of the property from May 11-27, 2016, due to significant violations of the fire and building codes. Additional fire and building code violations were noted by the Madison Heights during the November 15, 2016 inspection. The observed conditions exacerbate the risk of fire, explosion, or unanticipated releases.

6. EPS shall keep all containers of hazardous waste and liquid industrial byproduct closed except when it is necessary to add or remove waste as required by R 299.9306(1)(a)(i), MCL 324.12113(1), and the corresponding federal regulations under 40 CFR, Section 265.173(a).

Numerous open containers were observed during the inspection.

7. EPS shall inspect containers of hazardous waste at least weekly for leaks and deterioration in accordance with 40 CFR, Section 265.174; respond to detected leak(s) in accordance with 40 CFR, Section 265.171; document the inspections and any correction(s); maintain the documentation for at least three (3) years as required by R 299.9306(1)(a)(i).

Numerous leaking, badly corroded and improperly stored containers were observed during the inspection.

8. EPS shall store all hazardous waste and liquid industrial byproduct protected from weather, fire, physical damage, and vandals as required by R299.9306(1)(e) and MCL 324.12113(1).

As a result of a missing door, windows, and roofing, access to the facility is unrestricted, and in many parts, the interior of the facility is exposed to the elements. Of specific concern was a number of totes of cyanide stored near an entryway without a door, covered only by plastic sheeting. The perimeter of the facility is not fenced.

9. EPS shall provide for training of all employees and maintain documentation of training, in accordance with 40 CFR, Section 265.16.

During the November 15, 2016 inspection, Mr. Sayers stated that new employees had been added to EPS within the last several years, but there were no training records available.

**EPS is advised to take immediate action to correct the cited violations and attain compliance with all applicable regulations.** EPS is further advised to submit a written response to this Second Violation Notice by **December 16, 2017**. The written response should include a description of all actions taken to date to achieve compliance. If compliance has not been achieved, the response shall also include a work plan and schedule for addressing the outstanding violations.

Please be reminded that the management of the wastes on site must be done so lawfully. EPS must ensure that the wastes are properly characterized, containerized, labeled, manifested and transported for off-site disposal. Any on-site treatment of waste must be done so in compliance with state and federal law and applicable discharge permits. All transportation of hazardous waste and liquid industrial byproduct must be performed by a properly licensed transporter.

Due to the severity of the violations identified in this 2nd Violation Notice, the DEQ is exploring all possible avenues for mitigating the hazards present at this facility; this may include administrative or civil action seeking fines, enforcement costs and injunctive relief, and potential criminal prosecution. Please be advised that compliance with this Violation Notice does not preclude, nor limit, the DEQ's ability to initiate any other enforcement action under state or federal law, as deemed appropriate for past, current, or continuing violations of the NREPA. Additionally, EPS remains subject to the terms and conditions of Consent Order No. 111-03-10, including the provisions for stipulated penalties.

The DEQ anticipates and appreciates your cooperation in resolving this matter. If you have any questions, please feel free to contact me by telephone at 248-217-3080 or by electronic mail at kecskemetit@michigan.gov.

Sincerely,



Ms. Tracy Kecskemeti  
District Supervisor  
Southeast Michigan District Office  
Office of Waste Management  
and Radiological Protection

cc: Mr. Philip J. Tannian, Attorney, Environmental Legal Service  
Mr. Greg Lelito, Fire Chief, Madison Heights Fire Department  
Mr. Paul Biliti, Fire Marshal, Madison Heights Fire Department  
Mr. Frank Hayward, Madison Heights Building Official  
Mr. John Craig, DEQ  
Mr. Lonnie Lee, DEQ  
Ms. Alexandra Clark, DEQ  
Mr. Mark Daniels, DEQ