



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE

VWDS ✓



STEVEN E. CHESTER
DIRECTOR

June 30, 2005

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

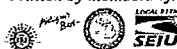
Dear Mr. Sayers:

SUBJECT: Letter of Warning: Electro Plating Service Inc. (EPS), 945 East Ten Mile Road, Madison Heights, Michigan, MID 042 444 687; Electro Plating Service Inc (former Commonwealth Building) 5900 Commonwealth, Detroit, MID 072 782 857.

On April 18, 2005, staff of the Department of Environmental Quality (DEQ) conducted an inspection of Electro Plating Service Inc. ([former Commonwealth Building] hereafter Facility), located at 5900 Commonwealth, Detroit, Michigan. The inspection was performed to evaluate compliance with Part 111, Hazardous Waste Management (Part 111) and Part 121, Liquid Industrial Wastes (Part 121) of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; the Hazardous Materials Transportation Act, MCL 29.451 et seq., of 1998 Public Act 138 (Act 138); 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 to assist an investigation resulting from a complaint received by the DEQ Office of Criminal Investigation. A copy of the completed inspection form can be obtained by contacting this office.

As a result of the inspection, staff of the DEQ has determined that the above Facility is in violation of the following:

1. In accordance with Title 40 of the Code of Federal Regulations (CFR) 262.11: Part 121, Section 12103(1)(e) MCL 324.11138(1)(a), R 299.9302, and MCL 324.12103(1)(a): A generator of a waste must determine the character and composition of that waste and if that waste is regulated as a hazardous waste or liquid industrial waste (LIW) by characterizing the waste based on knowledge backed by documentation or analytical testing utilizing the Toxicity Characteristic Leaching Procedure. During the inspection, DEQ staff observed more than 535 fifty-five gallon drums of plating bath waste generated at EPS in Madison Heights stored at the Facility in Detroit. In addition, other containers were observed to be stored inside the building. These containers consisted sizes, ranging from approximately one-gallon to approximately five-gallons in volume, were seen stored in various locations throughout the Facility. These containers were not inventoried during the inspection and were not discussed in the June 7, 2005 letter of warning. Based on the information statements made by the Facility representative, some of the material in these containers could be identified by its label and some of the material is unlabeled. In addition, the former metal heat treat vault tanks were observed to have a sludge-like material still present in the bottom and around the perimeter of some of the tanks. Also, spent quench



oils from the former heat treat operation were being stored on-site. In the near future, the Facility representative will be asked to locate and stage these containers for a physical inventory count and to identify the specific areas in need of closure to ensure proper disposal of the former heat treat waste materials. The facility representative will be contacted by Mark Daniels of the Southeast Michigan district office for this purpose. In order to comply with the rules and regulations, the Facility must characterize and manage all the aforementioned wastes discussed in this paragraph.

2. In accordance with R 299.9304: 40 CFR 262.20: A generator of hazardous waste must retain completed copies of each manifest for three years since the date of shipment. A copy of each, or the original, must be kept on-site and available for review (Section 11138(1)(f)). At the time of inspection, it was stated that the Facility was taken over by the current ownership with knowledge and agreement that the new management would be performing the "closure activities" for the previous occupier of the building (a subsidiary of Metal-Dyne). Please provide this office with copies of the manifests that were generated during these activities along with any other supporting documentation such as contracts and work orders that relate to the closure activities that were performed.
3. In accordance with 40 CFR 268.7(a)(6): A generator of hazardous waste must retain on-site records to support determinations from knowledge and/or testing as to the regulated constituents.
4. In accordance with 40 CFR 268.7(a)(8): A generator of hazardous waste must send a copy of each Land Disposal Restriction Notification with each waste stream

For Violations 3 and 4 above, provide this office with copy of each document and indicate a copy will be retained on-site.

5. In accordance with R 299.9306: 40 CFR 262.34: A generator of hazardous waste must manage containers as follows:
 - Have accumulation dates recorded and visible Rule 306(1)(b):40 CFR 262.34(a)(2).
 - Must label with words "Hazardous Waste" Rule 306(1)(c).
 - Must mark container with primary waste number (code): Rule 306(1)(b).
 - Must store less than 90 days: Rule 306(1)
 - Must apply for extension, if over 90 day storage: Rule 306(3): 40 CFR 262.34(B)

None of the containers were marked as required and the tank sludge had accumulated over 90 days.

The following Subpart I, 265.170 to 265.177 are referred to by Rule 306(1)(a) and 40 CFR 26.234(a)(1):

6. Containers utilized to manage hazardous waste:
 - Must be in good condition: 40 CFR 265.171.
 - Must be compatible with the waste in them: 40 CFR 265.172.
 - Must be stored closed: 40 CFR 265.173(a).
 - Must be inspected weekly for leaks and defects: 40 CFR 26.5.174.
 - Must document the inspections: Rule 306(1)(a)(i).

- Inspection records must be maintained on-site for three years: Rule 306(1)(a)(i).

Based on observations made during the inspection, the bulleted items identified in Violation 6 were noted as being non compliant during the walk through of the Facility. During the inspection, these types of violations were shown to the Facility representative and explained. There was a concurrence with the Facility representative that in each instance there was a violation that needed to be corrected, with the exception of general disagreement regarding if a specific material was a product or a waste. The Facility is to, as stated in this letter, identify, characterize and manage all the hazardous and LIW materials in the building.

7. In accordance with Rule 306(2): 40 CFR 262.34(c)(1)(i) and 40 CFR 264.175(b)(1): Secondary containment for hazardous waste accumulation areas are to be free of cracks and gaps. From observations, this requirement was not being met.
8. In accordance with Rule 306(1)(d): 40 CFR (265.30-265.37): A generator of hazardous waste must document compliance with the following:
 - The Facility is being operated in a manner to minimize the possibility of fire, explosion or a release of hazardous waste which could threaten human health or the environment, 265.31.
 - The Facility has adequate internal communications or alarm system, 265.32(a).
 - The Facility has adequate spill control, fire extinguishers and decontamination equipment, 265.32(c).
 - The owner/operator tests and maintains emergency equipment to assure its operation, 265.33.
 - There is enough aisle space for the unobstructed movement of personnel and emergency equipment, 265.35.
 - The Facility has made arrangements with the local authorities, 265.37(a)&(b).

During the inspection, compliance with the bulleted items in Violation 8 above, were observed to be inadequate to comply with the regulations or the Facility did not demonstrate it has complied during the inspection. Please provide this office with appropriate documentation to resolve the violation(s).

9. In accordance with Rule 306(1)(g): 40 CFR 265.111: 265.114: A generator must close an accumulation area, including process tanks, in a manner that meets the requirements of Rule 306(1)(g).

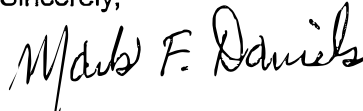
As an additional comment: Packages of fluorescent lamps were observed to be stored in the rafters of the building. It was stated that lamps were purchased at auction and were in good working condition. They were to be re-sold for profit. Please document this information in writing and provide any supporting documentation such as the auction receipt.

The Facility must respond to the violations, and is requested to respond to the comment noted in this letter. Please submit documentation to this office regarding those actions taken to address the violations comment by **July 25, 2005**. The DEQ will evaluate the response, determine the Facility's compliance status and notify you of this determination.

This letter of warning does not preclude, nor limit, the DEQ's ability to initiate any other enforcement action, under state or federal law, as deemed appropriate.

If you have any questions, please feel free to contact me.

Sincerely,



Mark F. Daniels
Environmental Quality Analyst
Waste and Hazardous Materials Division
586-753-3841

cc: Mr. John Craig, DEQ
Ms. Christine Grossman, DEQ
Mr. Jack Schinderle, DEQ
Mr. Lawrence AuBuchon, DEQ
Mr. Tim Sonnenberg, DEQ