



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



STEVEN E. CHESTER
DIRECTOR

August 20, 2007

RETURN RECEIPT MAIL

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);
Site Identification No.: MID 042 444 687

On July 24, 2007, Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD), staff conducted an inspection of EPS, located at 945 East Ten Mile Road, Madison Heights, Michigan. The purpose of the inspection was to evaluate EPS's 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 Wastes, of the NREPA; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA); and any administrative rules or regulations promulgated pursuant to these acts. A copy of the completed inspection form can be obtained by contacting this office.

This inspection was done, in part, as a follow-up to a complaint filed with the DEQ (# 07-032) on March 6, 2007, that alleged waste was being mismanaged at the facility. The allegation provided under item 10 below addresses the violations identified as a result of the complaint investigation.

As a result of the inspection, WHMD has determined that EPS is in violation of the following at the above-referenced location:

- 1) A facility may accumulate hazardous waste on-site for less than 90 days, from the date upon which the period of accumulation began, without having a permit or without having interim status. A facility that stores hazardous waste for greater than 90 days has established a storage facility without the appropriate construction permit and/or operating license (Sections 1118(1) & 11123(1)): (Rule 306(1):

40 CFR 262.34(a) & (b)). If the generator determines that an extension to the 90-day accumulation time is necessary due to unforeseen, temporary, and uncontrollable circumstances, the generator will apply to the Director for up to a 30-day extension (Part 111, Rule 306(3): 40 CFR 262.34(b)). A review of the hazardous waste disposal manifest documents that the waste F006 filter cake generated from the waste water treatment of electroplating waste was disposed of by EPS at intervals which are inconsistent with the 90 day accumulation requirement. Specifically, the manifests show that F006 waste was disposed of by EPS on October 19, 2004; April 20, 2005; June 8, 2005; November 4, 2005; April 12, 2006; September 21, 2006; and April 3, 2007. The manifest records show a consistent pattern of F006 hazardous waste being accumulated on site for more than 90 days because greater than 90 days elapsed between all but one of the disposal shipments made by EPS from 2004 through 2007. In the response to this letter, please submit a written response that identifies how EPS will ensure that hazardous waste will not be stored for greater than 90 days. Please note this violation was previously identified during inspections conducted on November 4, 1996, and October 25, 2004, and that EPS has never submitted a request for an extension to the DEQ, WHMD.

- 2) A person who generates a solid waste must determine if that waste is a hazardous waste (Part 111, Rule 302: 40 CFR 262.11). At the time of the inspection, the facility had not characterized the material generated from the clean out of the "soak" clean rinse tank(s) at the point of generation. In addition, the spent fluorescent and high intensity discharge lamps were not being managed as universal waste and require characterization (metals analysis). Please provide this office with a copy of the waste characterization of a representative sample for these waste streams. Please also identify that a copy of the characterizations will be retained by EPS as part of the operating record of the facility and made available for review by DEQ staff upon request during an inspection.
- 3) The facility must maintain a copy of the waste evaluation on-site for three years from the date that the waste was last sent to off-site or on-site treatment, storage, or disposal (Part 111, Rule 307(1): 40 CFR 262.40(c)). In addition to the waste streams identified above under item two, EPS could not locate the waste characterization documentation for the following waste streams at the time of the inspection:
 - a) cyanide strip tank waste.
 - b) lead chromate solids.
 - c) trichloroethylene degreaser sludge.
 - d) carbonates from cyanide plating tanks.
 - e) zinc cobalt tank water/sludge.

f) tank filter cartridges.

During the inspection, a copy of the waste characterizations listed above were requested for review. In a prior inspection, these records were available for review. However, they could not be located during the June 24, 2007, inspection. In response to this letter, EPS is to locate or create the required waste characterization record for the aforementioned waste streams and send a copy of each waste characterization to this office for review by DEQ staff. Please also respond by identifying that a copy of each waste characterization will be retained on site by EPS. Please also identify the specific location where EPS will retain the required waste characterization documentation and make them available for review in a timely fashion upon request by DEQ staff.

- 4) The facility must inspect areas where containers are accumulated at least weekly, looking for leaks and for deterioration caused by corrosion or other factors as required in 40 CFR 265.174 (Part 111, Rule 306(1)(a); 40 CFR 262.34(a)(1)). Weekly container area inspections for leaks and deterioration must be documented (Part 111, Rule 306(1)(a)). During the inspection, EPS staff stated that the required weekly inspections were not being performed or documented and the required inspection documents were not being retained on site as part of the operating record for three years. Please note these violations were previously identified during a November 4, 1996, and an October 12, 2004, inspection.
- 5) The container(s) being used to accumulate hazardous waste at the point of generation must have the words "Hazardous Waste" clearly marked or labeled on it (Part 111, Rule 306(2); 40 CFR 262.34(c)(1)(ii)). The container(s) being used to accumulate hazardous waste at the point of generation must have the hazardous waste number or chemical name of the waste clearly marked or labeled on it (Part 111, Rule 306(2)). During the inspection, the 55-gallon satellite container utilized to collect the waste removed from the degreasing unit was not marked with the words "Hazardous Waste" or the hazardous waste number or the chemical name for the waste. In the response to this letter, please provide this office with documentation (e.g., a photo) showing that these requirements are now being met and indicate how the facility intends to ensure continued compliance with this requirement.
- 6) A container being used to accumulate hazardous waste at the point of generation shall be maintained in good condition. If it begins to leak, the facility must transfer the hazardous waste to a container that is in good condition or manage the waste in some other way that complies with the requirement of 40 CFR 265.171 (Part 111, Rule 306(2); 40 CFR 262.34(c)(1)(i)). During the inspection, the 55-gallon satellite container utilized to store the waste removed from the degreasing unit was observed to be rusting on the outer surface and was in poor condition. In the response to this letter, provide this office with documentation (e.g., a photo) demonstrating that the waste in this container has been transferred to another container that is in good condition and identify how the facility intends to ensure continued compliance with this requirement.

- 7) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part (Rule 306(1)(d): 40 CFR 265.16)). Personnel training records shall include a description of the type and amount of both introductory and continued training as required in (Part 111, Rule 306(1)(d): 40 CFR 265.16(d)(3)). Facility personnel must take part in an annual review of their initial training (Part 111, Rule 306(1)(d): 40 CFR 265.16(c)). Personnel training must be designed to ensure that facility personnel can respond to emergencies by being trained in emergency procedures, emergency equipment, and emergency systems, including where applicable (Part 111, Rule 306(1)(d): 40 CFR 262.34(A)(4) which refers to 40 CFR 265.16(a)(3)): The owner or operator of a facility must maintain at the facility records that document that the training has been given (Part 111, Rule 306(1)(d): 40 CFR 254.15(d)(4)).
- a) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment.
 - b) Communications or alarm systems.
 - c) Response to fires or explosions.
 - d) Shutdown of operations.

During the inspection, EPS staff stated that the employees had not received instruction designed to ensure their familiarity with the contingency plan and EPS staff could not locate a copy of the contingency or employee hazardous waste training records. EPS staff also stated that training records did not include a description of the type and amount of introductory and continued training and that employees managing hazardous waste did not take part in an annual review of their hazardous waste training. In the response to this letter, please document how EPS has achieved or will achieve compliance with this requirement. Your response should include information on the training performed or to be performed to ensure compliance with this requirement (e.g., the training agenda, sign-up sheets, list of position descriptions for staff involved in the training, and any handouts provided during the training). Please note this violation was previously identified during a November 4, 1996, and an October 12, 2004, inspection.

- 8) Hazardous waste training must be directed by a person trained in hazardous waste management procedures and must include instruction which teaches facility personnel hazardous waste management procedures relevant to the positions in they are employed (Part 111, Rule 306(1)(d): 40 CFR 265.16(a)(2)). It was stated by Mr. Gary Sayers of EPS that "he was qualified to train his employees in hazardous waste management procedures;" however, there were no records or other credentials presented during the inspection to confirm this assertion. In the response to this letter, document compliance with this requirement. Please note this violation was previously identified during a November 4, 1996, and an October 12, 2004, inspection.

- 9) The contingency plan must contain the following information:
- a) List of the emergency equipment at the facility, including location, physical description, and capabilities (Part 111, Rule 306(1)(d): 40 CFR 265.52(e)).
 - b) An evacuation plan for personnel that includes the signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (Part 111, Rule 306(1)(d): 40 CFR 265.52(f)).

The facility is required to amend the contingency plan and emergency procedures whenever they fail in an emergency or when there are changes in the regulations, the emergency coordinators, or the emergency equipment as required in (Part 111, Rule 306(1)(d): 40 CFR 265.54)). After reviewing a copy of the contingency plan section of the "Oakland County LEPC Industrial User Spill Prevention Plan" (this was among the documents located in the DEQ WHMD generator file) dated November 24, 2004, it was determined that the contingency plan did not identify the spill response equipment available to EPS staff for responding to emergencies, did not include an evacuation plan, and did not list the person currently responsible for emergency coordination. From discussions with Mr. Jim Elswick, who is listed as the emergency coordinator in the November 24, 2004, contingency plan, he stated that he is no longer serving in that capacity. In the response to this letter, please revise the contingency plan to include a description of the spill response equipment, an evacuation plan and map, identify the current emergency coordinator for EPS, and submit the revised contingency plan to this office for DEQ staff review. Please note this violation was previously identified during a November 4, 1996, and an October 12, 2004, inspection.

- 10) Liquid industrial waste (LIW) managed at location of generation must be managed in a closed or covered container, except when it necessary to add or remove waste (Part 121, Section 12113(1)). At the time of the inspection, EPS staff stated that the waste generated from the cleaning of the "soak" clean rinse tank(s) was being accumulated in open containers and placed on an area of the basement floor for drying (treatment). This dried material was then transferred and placed into the F006 "super sack" container for disposal. In response to this letter, document that in the future this treatment procedure will be done in a closed or covered container or tank.
- 11) A generator operating an on-site treatment process must keep records of all the LIW produced and treated at their facility (Part 121, Section 12103(2)). At the time of the inspection, the required record keeping for the treatment described under item 10 above was not being done. In the response to this letter, please provide a copy of the record EPS will complete and maintain as part of the operating record of the facility. In addition, please verify the records will be kept for at least three years and will be made available for inspection.

EPS should immediately initiate any actions specified above and other actions necessary to correct the cited violations. Additionally, please submit documentation to

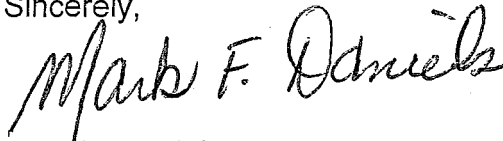
this office regarding those actions taken or to be taken to address the violations listed above by **September 10, 2007**. The WMHD will evaluate your response, determine EPS's compliance status at the above-referenced location, and notify you of this determination.

At a minimum, your response should explain the cause of the violations, the actions taken to correct the violations, what steps are being taken to prevent reoccurrence of the violations, and the duration of the violations (including whether the violations are ongoing). If the violations are not resolved by the date of your response, where applicable, your response should include a work plan that describes what equipment will be installed, procedures that will be implemented, processes or process equipment that will be shut down, or other actions that will be taken and by what dates these actions will take place to resolve the violations.

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 regarding this matter, please feel free to contact me at the telephone number listed below or by email at danielsm@michigan.gov.

Sincerely,



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

cc: Mr. Lawrence AuBuchon, DEQ
Ms. Christine Grossman, DEQ