



STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



JENNIFER M. GRANHOLM
GOVERNOR

STEVEN E. CHESTER
DIRECTOR

June 6, 2008

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 Number: MID 042 444 687

On May 20, 2008, staff of the Department of Environmental Quality (DEQ), Waste and Hazardous Materials Division (WHMD), conducted a follow-up 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.

The follow-up inspection was initiated to confirm correction of the violation(s) identified during an inspection conducted on July 24, 2007. The result of the inspection was conveyed to EPS in a letter of warning dated August 20, 2007. As a result of the May 20, 2008, follow-up inspection, WHMD staff determined that EPS is operating in violation of Part 111. This determination was previously communicated to EPS in a Letter of Warning issued on August 20, 2007. The letter identified the specific violation(s) alleged to have been committed, the WHMD observations supporting the alleged violation(s), and the specific actions EPS was to take to document the correction of the alleged violation(s). The letter specifically requested that EPS submit a written response documenting the actions taken by EPS to correct the alleged violations by no later than September 10, 2007. Enclosed for your reference is a copy of the Letter of Warning.

EPS responded to the August 20, 2007, Letter of Warning on September 10, 2007; September 14, 2007; and October 4, 2007, but failed to adequately document correction of all the violations. Specifically, staff of the WHMD has determined that EPS has not resolved the following violation(s) and continues to operate in violation:

- 1) 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)). EPS could not locate the waste characterization documentation for the following waste stream at the time of the inspection:



The spent "tank filter cartridges".

EPS is to locate or obtain the aforementioned waste characterization documentation and send a copy to this office for review by DEQ staff. In addition, identify the specific location within the facility where EPS will retain this required waste characterization documentation so it will be made available for review in a timely fashion upon request by DEQ staff. Please note that this violation was identified in the August 20, 2007, letter of warning to EPS.

- 2) 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; October 12, 2004; and July 24, 2007 inspection.
- 3) 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; and
 - d) Shutdown of operations.

During the inspection, it was stated that EPS had not documented that the employees had received annual instruction covering the aforementioned topics as well as training designed to ensure their familiarity with the contingency plan. In the response to this letter, please provide this office with training record documentation demonstrating that EPS has achieved compliance with this requirement. The response should include documentation of the training performed to ensure compliance with this requirement. Also, document the following:

- The job titles and descriptions.
- The name of the employee filling each job.
- The description of the type and amount of training.

Please note this violation was previously identified during a November 4, 1996; October 12, 2004; and July 24, 2007 inspection.

- 4) 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 including the person who will perform the training and a date when the training will be completed. Please note this violation was previously identified during a November 4, 1996; October 12, 2004; and July 24, 2007, inspection.
- 5) 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)).

After reviewing a copy of the contingency plan section of the "Oakland County LEPC Industrial User Spill Prevention Plan" dated November 24, 2004, it was determined that this contingency plan did not identify, in enough detail, the spill response equipment available to EPS staff for responding to emergencies. In the response to this letter, please revise the contingency plan to include a detailed description of the spill response equipment and submit the revised contingency plan to this office for DEQ staff review. Upon approval, the changes to the plan must be distributed to the local authorities. Please note this violation was previously identified during a November 4, 1996; October 12, 2004; and July 24, 2007 inspection.

The WHMD is again requesting that EPS document resolution of the violations by submitting the information documenting compliance with the regulations requested in the August 20, 2007, Letter of Warning and reiterated in this letter.

Please submit your response to this office, no later than **July 16, 2008**. Following receipt of the requested information, the WHMD will evaluate your response, determine EPS's compliance status at the above-referenced location, 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.

Mr. Gary Sayers

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June 6, 2008

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,

A handwritten signature in black ink that reads "Mark F. Daniels". The signature is written in a cursive style with a large, prominent "M" and "D".

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

Enclosure

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