



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 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

