



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SOUTHEAST MICHIGAN DISTRICT OFFICE



C. HEIDI GREYHER
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: 2nd 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 2nd 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 2nd 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