



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
LANSING



DAN WYANT
DIRECTOR

January 12, 2012

Mr. Gerald Keast
2110 Davis
Wyandotte, Michigan 48192

CERTIFIED MAIL

Ms. Mary Jo Sadonis
16064 Kennebec
Southgate, Michigan 48195

Mr. Kevin Haxter
DeSana Trust
1955 Ardmore
Trenton, Michigan 48183

Dear Messrs. Keast and Haxter and Ms. Sadonis:

SUBJECT: Violation Notice; Detroit Tubular Rivet, Inc. (DTR);
Site Identification No.: MID 005 373 774

On December 13, 2011, Department of Environmental Quality (DEQ), Resource Management Division (RMD), staff conducted an inspection of DTR, located at 1213 Grove Street, Wyandotte, Michigan. The purpose of the inspection was to evaluate DTR'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; and any administrative rules or regulations promulgated pursuant to these acts. In addition, the December 13, 2011 inspection observations were a follow-up to the July 26, 2011 inspection by the DEQ. A copy of the completed inspection form(s) can be obtained by contacting this office.

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

Hazardous Waste Violations:

1. The facility must be maintained and operated to minimize the possibility of fire, explosion, release of hazardous waste or hazardous waste constituents which could threaten human health and/or the environment (Rule 306(1)(d):40 CFR Subpart C, 265.31)).

2. The hazardous waste accumulation area must be protected from weather, fire, physical damage and vandals (Part 111, Rule 306(1)(e)).
3. A person who generates a solid waste must determine if that waste is a hazardous waste (Part 111, Rule 302 & 40 CFR 262.11).
4. A facility shall determine if the hazardous waste generated is restricted from land disposal (Part 111, Rule 311(1) & 40 CFR 268.7(a)).
5. The date upon which each period of accumulation began must be marked and visible for inspection on each hazardous waste container (Rule 306(1)(b) & 40 CFR 252.34(a)(2)).
6. 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 operating license (Section 11123(1)): (Rule 306(1) & 40 CFR 262.34(a) & (b)).
7. Container(s) of hazardous waste must 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(1)(a) & 40 CFR 262.34(a)(1)).
8. A container holding hazardous waste must always be closed except when adding or removing waste as required in 40 CFR 265.173(a) (Part 111, Rule 306(1)(a) & 40 CFR 262.34(a)(1)).
9. A container holding hazardous waste must not be opened, handled or stored in a way which may rupture it or cause it to leak as required in 40 CFR 265.173(b)(Part 111, Rule 306(1)(a) & 40 CFR 262.34(a)(1)).

Liquid Industrial Waste Violations:

10. Generators of liquid industrial waste (LIW) must comply with the waste evaluation requirements of Part 111, & rules promulgated under that part; Part 121, Section 12103(1)(a).
11. Storage of LIW at the location of generation must be protected from weather, fire, physical damage and vandals. All vehicles, containers and tanks used to hold LIW must be closed or covered except when necessary to add or remove waste to prevent the escape of LIW. The exterior of all vehicles, containers and tanks must be kept free of LIW and its residue; Part 121, Section 12113(1).

12. Generators of LIW must manage the waste in a manner that prevents the discharge of the LIW into the soil, surface water or groundwater, or a drain or sewer or in violation of Part 55; Part 121, Section 12113(2).
13. A generator of a LIW must store, treat, or dispose of the waste in accordance with all applicable statutes, rules and orders of the department; Part 121, Section 12113(3).

Previous violations identified during the July 26, 2011, DEQ inspection (these violations were determined to be unresolved and recurring during the December 13, 2011, inspection):

14. A generator of a liquid industrial waste, including used oil, must store the used oil in containers that are closed with an affixed lid, except when adding or removing the waste from the container; Part 121, Section 12113(1).
15. All containers and tanks utilized to store used oil must be labeled with the words "USED OIL." Rule 810; 40 CFR 279.22(c)(1).
16. Upon detection of a release of used oil, the facility must do the following:
 - a. Stop the release; Rule 810; 40 CFR 279.22(d)(1).
 - b. Contain the released used oil; Rule 810: 40 CFR 279.22(d)(2).
 - c. Clean-up and manage the released used oil and other materials. Rule 810: 40 CFR 279.22(d)(3).
 - d. Prevent future releases by replacing or repairing and leaking containers or tanks. Rule 810: 40 CFR 279.22(d)(4).

The following information and observations were documented with photographs during the December 13, 2011, inspection of the closed facility and serve as a basis for the violations identified in this letter. Mr. Gerald Keast was present during the inspection.

- Throughout the inside of the building, regulated waste was observed to be stored and stockpiled in various accumulation areas.
- The containers were of various sizes, ranging from 1/2 gallon to five gallon cans and pails, 35 gallon drums, unused materials (in their original packaging), spray cans, 55-gallon drums and various sized large totes.
- Many of the containers were observed to be stored open, without affixed lids and were either partially full or completely full of liquids.

- Unaddressed spills to the floor of the building were identified and photographed throughout the building.
- Trenches and sumps, especially in the former plating line area, were seen to have unknown liquids accumulated in them.
- Piles of debris were identified consisting of what looked like dismantled PVC and metal pipe, hoses and other scrap presumed to be from the dismantling of the plating process equipment sold during a bank held auction. Some of the debris appeared to be covered with waste residue.
- Dismantled tanks and ancillary equipment related to the former waste water treatment process (sewer discharge) were seen on the upper level platform of the former discharge area. It could not be determined if waste material was in these tanks.
- At least three plastic 55-gallon containers of material marked "Hazardous Waste" (methylene chloride) were observed. These were presumed to be generated by the DTR vapor degreasing process. *Since the facility ceased operations on August 5, 2011, it was determined that this material had been stored over 90 days.*
- Material stored in two open top 55-gallon plastic drums appeared to be F006 listed hazardous waste water treatment filter cake. *Since the facility ceased operations on August 5, 2011, it was determined that this material had been stored over 90 days.*
- One container labeled "Techtride" appeared to be a highly toxic and harmful material. The label on the container stated "Vapor harmful – High concentrations can cause unconsciousness or death". *Since the facility ceased operations on August 5, 2011, it was determined that this material had been stored over 90 days.*
- The former used oil storage tank area had pooled oil inside the surrounding secondary containment. It was not known if the tank(s) were leaking or the oil had been spilled. *This condition was identified during the July 26, 2011 inspection and had not been adequately addressed since that time.*
- Various 55 gallon containers of what was presumed to be used oil was also seen in this area. Some of the containers were not closed and had no lids. *This condition was identified during the July 26, 2011, inspection and had not been adequately addressed since that time.*

- Outside the building, an approximately 10 cubic yard roll off box of hazardous (F006) waste water treatment filter cake was observed to be stored in a truck well loading dock area. This container had an inner liner but did not have a tarp over it and was not labeled, as required. The container was stored outside along 13th Street and was subject to vandalism. *Since the facility ceased operations on August 5, 2011, it was determined that this material had been stored over 90 days. (See note below).*
- Also outside the building, various plastic 55-gallon plastic containers were stored adjacent to the solid waste trash bin. Although some of the containers appeared to be empty, their actual contents and status could not be determined. These containers were accessible and subject to vandalism. (**See note below**).

NOTE: Mr. Gerald Keast, who participated during the inspection, was told that the containers outside the building would have to be addressed **immediately** and that they could not remain open and unsecured outside the building. This requirement was reiterated in two subsequent e-mails to Mr. Keast dated December 15, 2011, and December 19, 2011.

- Also outside the building, adjacent to the solid waste trash bin, were relatively small piles of debris consisting of trash and what appeared to be dismantled equipment.

Materials which are “abandoned”, and, thereby, “discarded” are designated Part 111 and 40 CFR 262 and 265, et. al. regulatory status, thereby, requiring the timely characterization and appropriate storage in anticipation of proper off-site management. DEQ staff determined that a great deal of the material stored at the site was either not labeled, may be labeled incorrectly or is unknown material. Some of the materials are stored in a manner which allows for a release or are in containers that are in poor condition. Some of the material is hazardous waste which has been stored longer than allowed (90 days) without a hazardous waste storage permit. A generator of a hazardous waste must characterize all waste prior to disposal, manage it in manner to prevent releases to the environment and harm to human health and operate within the regulatory parameters of the facilities regulatory status, in this case, a large quantity generator of hazardous waste. In addition, land disposal restriction determinations must be made by the generator to determine if the materials are characteristic or listed hazardous wastes which are subject to the Rule 311 and 40 CFR Part 268 requirements.

DTR 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 **January 27, 2012**. Your response may include additional information relevant to the violations observed for evaluation. The RMD will evaluate your response, determine DTR'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 ongoing. If the violations are not resolved by the date of your response, 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 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.

We anticipate and appreciate your cooperation in resolving this matter. If you have any questions, please feel free to contact me at the telephone number below. by e-mail at DANIELSM@michigan.gov, or by mail at DEQ, RMD, 27700 Donald Court, Warren, Michigan 48092-2793.

Sincerely,

Mark F. Daniels
Environmental Quality Analyst
Southeast Michigan District Office
Resource Management Division
586-753-3841

cc: City of Wyandotte, Fire Chief
Mr. Jason W. Bank, Kerr, Russell and Weber, PLC
Ms. Allison Bach, Dickenson Wright, PLLC
Mr. Roger Gillard, Wayne County
Mr. Joseph DeGrazia, DEQ
Mr. Paul Owens, DEQ
Mr. John Craig, DEQ
Ms. Jeanette Noechel, DEQ