

**United States Environmental Protection Agency
Region V
POLLUTION REPORT**

Date: Saturday, December 11, 2004

From: JJ Justice

To:	David Chung, U.S. EPA	Linda Nachowicz, U.S. EPA
	William Messenger, U.S. EPA ERB	Jason El-Zein, U.S. EPA ERB RS1
	Nola Hicks, U.S. EPA	Arlene Lilly, U.S. EPA
	Afif Marouf, U.S. EPA H&S	Mick Hans, U.S. EPA OPA
	Stuart Hill, U.S. EPA OPA	Steve Ostrodka, U.S. EPA
	Tracy Johnson, U.S. EPA ERB	Dave Novak, U.S. EPA CIC
	John Maritote, U.S. EPA ERB	Larry AuBuchon, MDEQ
	Jeanette Noechel, MDEQ	Brendan Boyle, MDCH
	Joe Walczak, MDEQ	Duty Office, NRC
	Jay Kennelly, City of Hamtramck	

Subject: Initiation of Time-Critical Removal Action
Michigan Industrial Finishes
9045 Vincent, Hamtramck, MI
Latitude: 42.3956000
Longitude: -83.0425000

POLREP No.:	1	Site #:	B58W
Reporting Period:	12/6/2004 to 12/11/2004	D.O. #:	0020
Start Date:	12/7/2004	Response Authority:	CERCLA
Mob Date:	12/6/2004	Response Type:	Time-Critical
Demob Date:		NPL Status:	Non NPL
Completion Date:		Incident Category:	Removal Action
CERCLIS ID #:	MIN000509131	Contract #	68-S5-03-01
RCRIS ID #:			

Site Description

1. Site Location

Michigan Industrial Finishes (MIF) is located at 9045 Vincent, in Hamtramck, Wayne County, Michigan. The facility is in a mixed residential and light industrial area and is bounded to the west of railroad tracks, to the north and south by light industrial businesses, and to the east by Vincent Street and residential housing. The Site includes two main buildings with a covered loading dock.

2. Description of Threat

Numerous MDEQ inspections conducted as recently as April 8, 2004 has documented continued violations of Part 31, Water Resources Protection (Part 31), Michigan Compiled Laws (MCL) 324.3101 et seq., Part 111, Hazardous Waste Management (Part 111), MCL 324.11101 et seq. and Part 121, Liquid Industrial Wastes, MCL 324.12101 et seq. of MNREPA; 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, at the facility including but not limited to:

- Improper or lack of labeling of all hazardous wastes,
- Storage of hazardous wastes in poor and/or leaking containers and failure to transfer hazardous wastes into proper containers,
- Lack of documentation of weekly inspections of hazardous waste storage areas and correction of poor conditions, including: punctured and leaking drums, unsafe storage, unmarked drums,
- Failure to make arrangements with local authorities for emergency responses to the facility,
- Failure to maintain waste determinations of wastes,
- Failure to store accumulation containers of hazardous materials in a closed or covered state,
- Failure to provide secondary containment for hazardous waste materials,
- Failure to store accumulated hazardous wastes in an area protected from weather, fire, physical damage and vandals,

- Storage of hazardous material for greater than 90 days without a permit.

There are approximately four thousand (4000) 55-gallon drums containing various substances, approximately 20 250-gallon totes, several large (~ 3,000 gallon) mixing tanks, vessels and above ground storage tanks and over one hundred small containers. The drums present on site are in various stages of deterioration and in some cases stored three high on pallets of questionable stability. The contents of most of the drums are unknown due to the lack of labeling and a number of drums have been identified to contain hazardous materials and found to be leaking.

Current Activities

1. Current Situation

Michigan Industrial Finishes (MIF) is a manufacturer of industrial coatings, which includes both water based and solvent based primers and paints. MIF has been operating under Consent Judgement 96-623922CE from the State of Michigan Circuit Court for the 3rd Judicial Circuit since April 11, 1997. The Consent Judgement resulted from Michigan Department of Environmental Quality's (MDEQ) documentation of unmitigated violations of the Michigan Natural Resources and Environmental Protection Act (MNREPA), 1994 PA 451, as amended, MCL 324.101 et seq. The purpose of the Consent Judgement was to: 1) settle the violations alleged by the State of Michigan; 2) establish schedules, criteria, and requirements for the implementation of necessary compliance measures at the facility; 3) assess civil fines and set stipulated penalties to ensure performance of the obligations set forth in the Consent Judgement.

A site visit by U.S. EPA and MDEQ on April 8, 2004, confirmed that the facility continues to operate in violation on the Consent Judgement. MDEQ requested U.S. EPA's assistance in addressing the potential threats posed by the operation of the facility and the improperly stored hazardous wastes. The owner of the facility has indicated that he does not have the financial ability to carry-out a time critical removal action to identify, contain and dispose of the hazardous material present within the facility.

In addition to the violations documented by MDEQ, the Hamtramck Fire Department and U.S. Department of Labor Occupational Safety and Health Administration has documented a number of serious violations.

On November 3, 2004, MDEQ issued MIF an Order to Cease and Desist Operations and to Take Corrective Action. MIF signed an access agreement with the U.S. EPA on November 18, 2004 to allow access for conducting a Time Critical Removal Action.

2. Removal Activities to Date

On December 6, 2004, U.S. EPA, START and ERRS mobilized to site and conducted an inspection of the facility to assess locations and conditions of drums and discuss preliminary tasks to be undertaken as part of the removal action and how to best stage, sample and remove the drums and containers on site. Due to the large number of drums and lack of work space, initial activities will be to rinse and dispose of all empty drums on site.

On December 7, 2004, ERRS constructed a drum rinse station to be used to triple rinse and contain all rinsate associated with the drum wash. Rinsate was collected in a 55 gallon drum. All drums were dumped, scraped and rinsed to ensure that they were RCRA empty. Rinsed drums will be staged for crushing and disposal. A total of 85 drums were completed.

On December 8, 2004, ERRS continued the drum wash and staging. A total of 147 drums were completed. The owner of MIF informed U.S. EPA that there were additional drums staged in tractor trailers on an empty lot located north of the facility. The lot's owner has allowed MIF to stage the trailers on the property for storage of additional drums from the facility. One trailer contained empty drums but was unsecured due to the fact the doors of the trailer could not be closed and locked. The second trailer is believed to contain drums full of still bottoms and is locked and secured. The lot is surrounded by a 12 foot high fence and the lot owner indicated that the gate will be locked.

On December 9, 2004, ERRS relocated 164 drums from the unsecured tractor trailer to the site to be rinsed and staged for disposal. A total of 175 drums were rinsed. Further inspection of the area and soils around the two trailers found evidence of historical leakage from the drums in the trailers and onto the soils beneath the trailer. The trailer that had contained the empty drums was found to have holes in the bottom of the trailer bed and dried pants and resins can be seen in and around the holes and in the ground beneath. Additional staining of soils was found elsewhere on the property.

December 10, 2004, ERRS continued rinsing/washing out empty drums. A total of 201 drums were rinsed and staged for disposal. Drums containing heavy bottoms and sludges were cold cut, emptied and rinsed.

December 11, 2004, ERRS completed rinsing/washing all currently empty drums empty drums. ERRS has generated 2 55-gallon drums full of drum rinsate, 3 55-gallon drums of solids and 1 55-gallon drum of sludge from the washing operation.

Planned Removal Actions

- Inventory, stage, sample, hazcat and dispose of all 55 gallon drums and small containers.
- Drain, rinse and render unuseable all AST's, tanks, vats, totes and process vessels.
- Remove all visibly impacted soils and sample and excavate all remaining impacted soils.
- Rinse and dispose of all empty drums.
- Transport all wastes off site to a CERCLA compliant facility.

Next Steps

- Continue to rinse and dispose of all empty drums.
- Prepare site for staging and sampling of drums.
- Consolidate all small containers.
- Lab pack all materials from laboratory.
- Obtain access agreement from owner of empty lot.
- Assess soils for impacts from spilled material and excavate as necessary.

Key Issues

None

Estimated Costs *

	Budgeted	Total To Date	Remaining	% Remaining
Extramural Costs				
ERRS - Cleanup Contractor	\$2,199,300.00	\$21,000.00	\$2,178,300.00	99.05%
RST/START	\$17,500.00	\$9,000.00	\$8,500.00	48.57%
Intramural Costs				
Total Site Costs	\$2,216,800.00	\$30,000.00	\$2,186,800.00	98.65%

* The above accounting of expenditures is an estimate based on figures known to the OSC at the time this report was written. The OSC does not necessarily receive specific figures on final payments made to any contractor(s). Other financial data which the OSC must rely upon may not be entirely up-to-date. The cost accounting provided in this report does not necessarily represent an exact monetary figure which the government may include in any claim for cost recovery.

response.epa.gov/mif

POLREP #1 Last Updated 2/8/2005