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Hazardous Waste Enforcement: U.S. Environmental Protection Agency and Detroit, Michigan, Chrome/Oxide Coating Manufacturer Enter into Consent Agreement

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The United States Environmental Protection Agency (“EPA”) and Perfection Industries, Inc. (“PII”) entered into a March 18th Consent Agreement and Final Order (“CAFO”) addressing alleged violations of certain Michigan rules addressing hazardous waste.

The CAFO describes the Detroit Michigan Facility (“Facility”) as providing chrome plating and black oxide coating for the automotive, aerospace, and small engine industries.

The Facility is stated to create:

. . . solid wastes, including chrome sludge from cleaning out electroplating tanks; waste sodium hydroxide cake generated from the black oxide process; waste petroleum naphtha waste generated in the Lapping Department in the Gauge Shop, waste methyl ethyl ketone (MEK) solvent generated from cleaning painted parts after chrome plating; used glass bead and aluminum oxide blast media material; used fluorescent lamps; and used rags.

The Facility’s processes are stated to produce several hazardous wastes as identified in the Michigan rules or cause a hazardous waste to become subject to regulation under the Michigan rules. As a result, the Facility is stated to be a generator of hazardous waste.

EPA apparently sent PII an information request to which it responded. The response is stated to have indicated that 37 of 40 55-gallon containers were stored outside since a fire occurred at the Facility in 2006. All containers were stated to have been shipped offsite by October 22, 2014.

The Facility is stated to not have either interim status or a permit to treat, store, or dispose of hazardous waste. Sampling is stated to have been undertaken in the former container storage area which indicated lead levels in the soil above the Michigan non-residential clean up criteria. Remediation is stated to have been subsequently conducted through excavation.

A supplemental investigation is stated to have been undertaken on November 15, 2018, to evaluate the necessity for further remediation. A plan was proposed to achieve closure with controls using an engineered control barrier to prevent contact with the contaminated soil and a restrictive covenant institutional control. U.S. EPA is stated to have approved the plan. Subsequently, soil removal is stated to

have been completed and a woven geotextile fabric and six inches of crushed concrete were placed over the area.

A final Remediation Completion Report was submitted to EPA on January 12, 2021.

The CAFO identified the following alleged violations:

- Storage of hazardous waste without a permit or interim status
- Failure to keep the satellite accumulation area closed
- 55-gallon container not labeled with the words "Hazardous Waste"
- Failure to provide a telephone posting
- Failure to ensure that employees were thoroughly familiar with the proper waste handling and emergency procedures
- During a records review by EPA, Facility personnel were stated to have been unable to locate any records of the last off-site shipment of universal waste

A civil penalty of \$750 is assessed.

A copy of the CAFO can be downloaded [here](#).