

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
WASTE AND HAZARDOUS MATERIALS DIVISION

In the matter of administrative proceedings  
against Midwest Transport Group, LLC, a limited  
liability company organized under the laws of the  
State of Michigan and doing business at  
27140 Princeton Avenue, City of Inkster, County  
of Wayne, State of Michigan  
Site ID No. MIK 788 363 422

WHMD Order No. 138-01-08

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CONSENT ORDER

This proceeding results from allegations specified in the Letter of Warning ("LOW") issued on May 1, 2008, by the staff of the Department of Environmental Quality ("DEQ"). The DEQ alleges that Midwest Transport Group, LLC (the "Respondent"), a Michigan limited liability company, doing business at 27140 Princeton Avenue, Inkster, Wayne County, Michigan, is in violation of Part 121, Liquid Industrial Wastes, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, Michigan Compiled Laws ("MCL") 324.101 *et seq.* ("Act 451") and the Hazardous Materials Transportation Act, 1998 PA 138, MCL 29.471 *et seq.* ("Act 138") The Respondent and the DEQ agree to resolve the alleged violations set forth in the LOW by entry of this Consent Order.

I STIPULATIONS

The Respondent and the DEQ stipulate as follows:

- 1.1 Act 138 specifies the requirements for a motor carrier to obtain and maintain a notice of registration form and permit in order to lawfully transport hazardous and liquid industrial wastes in Michigan
- 1.2 In addition to the requirements of Act 138, the transportation of wastes is regulated by Part 111, Hazardous Waste Management, of Act 451, and the administrative rules promulgated under Part 111.

- 1.3 In addition to the requirements of Act 138, the identification, treatment, storage, disposal, and transportation of liquid industrial waste is regulated by Part 121.
- 1.4 The Respondent is a motor carrier as defined by MCL 29.472(f). The Respondent owns its principal place of business and operates a facility at 27140 Princeton Avenue, Inkster, Michigan, that transports liquid industrial waste and hazardous waste (the "Facility"). The Respondent is a Michigan limited liability company.
- 1.5 The DEQ is authorized by MCL 29.477(3) to enforce Act 138. Accordingly, the DEQ has authority to enter into this Consent Order with the Respondent.
- 1.6 The Respondent stipulates to the issuance and entry of this Consent Order and that entry of the Consent Order is proper and acceptable. This Consent Order shall be considered a final order of the DEQ and shall become effective on the date it is signed by the Chief of the Waste and Hazardous Materials Division ("WHMD").
- 1.7 The Respondent and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by the Respondent that the law has been violated.

## II. COMPLIANCE PROGRAM

- 2.1 The Respondent acknowledges, by entry of this Consent Order, the following:
  - 2.1.1 All transportation of liquid industrial waste in the state of Michigan has ceased.
  - 2.1.2 A uniform application shall be submitted and approved for a registration and permit to transport liquid industrial waste in the state of Michigan that meets the requirements of MCL 29.473(3), (4), and (5) and the applicable provisions of Part 121 for all future transportation of liquid industrial waste.
  - 2.1.3 Transportation of liquid industrial waste, when transported in the state of Michigan, shall be only under an approved registration and permit issued by the DEQ pursuant to Act 138.

### III. SUPPLEMENTAL ENVIRONMENTAL PROJECT

- 3.1 In partial settlement of the civil fine for the violations alleged in the above-referenced LOW, the Respondent agrees to undertake the Supplemental Environmental Project ("SEP") described in Paragraph 3.1.1. Performance of the SEP will benefit the environment and is a project that the Respondent is not otherwise legally required to perform. The Respondent agrees to implement the SEP in accordance with the following terms and conditions:
- 3.1.1 Upon execution of this Consent Order, as a SEP, the Respondent shall transport and lawfully dispose of 95,000 gallons of leachate generated from the Countywide Landfill in Trenton, Michigan, at no charge. The Respondent's transport is equivalent to \$4,750.00 worth of leachate transportation and a disposal rate of \$ .05 per gallon of leachate and serves to prevent a release of leachate to the environment from the Countywide Landfill.
- 3.1.2 Respondent shall provide documentation acceptable to the DEQ documenting the transportation and disposal of the 95,000 gallons of leachate in satisfaction of this SEP.
- 3.1.3 All costs of implementing the SEP shall be the responsibility of the Respondent. The Respondent certifies that the Respondent will not realize any economic benefit, including tax abatement(s), tax credit(s), or similar tax relief as a result of the SEP.
- 3.1.4 The Respondent certifies that the Respondent is not otherwise required by any local, state, or federal statute, regulation, rule, order, decree, permit, or other law or agreement to develop or implement the SEP specified in Paragraph 3.1.1. The Respondent further certifies that the Respondent has not received, and is not presently negotiating to receive, a credit for the SEP as part of any other enforcement action or any grant from the state, U.S. Environmental Protection Agency, or any other entity. The Respondent also certifies that the Respondent will not seek tax benefits following completion of the SEP.

#### IV. CIVIL FINES

- 4.1 The Respondent shall pay the sum of \$1,250.00 upon the Respondent's signature of this Consent Order by mailing a certified check made payable to the "State of Michigan" to the DEQ, Revenue Control Unit, P.O. Box 30657, Lansing, Michigan 48909-8157, or hand delivery to the DEQ, Revenue Control Unit, 525 West Allegan Street, 5<sup>th</sup> Floor, South Tower, Lansing, Michigan 48933. This payment shall be in settlement of the DEQ's claim for a civil fine arising from the violations alleged in the above-referenced LOW. The civil fine shall be deposited into the Hazardous Materials Transportation Permit Fund as designated in MCL 29.475 of Act 138. To ensure proper credit, all payments made pursuant to this Consent Order must include Payment Identification Number WHM 1073.
- 4.2 The Respondent agrees not to contest the legality of the civil fine paid pursuant to Paragraph 4.1, above.

#### V. GENERAL PROVISIONS

- 5.1 With respect to any violations not specifically addressed and resolved by this Consent Order, the DEQ reserves the right to pursue any other remedies to which it is entitled for any failure on the part of the Respondent to comply with the requirements of Act 138 or Act 451 and its rules.
- 5.2 Notwithstanding any other provision of this Consent Order, an enforcement action may be brought by the DEQ pursuant to Part 111 and Part 121 or other statutory authority where the transportation of liquid industrial wastes by the Respondent may present an imminent and substantial hazard to the health of persons or to the natural resources or is endangering or causing damage to public health or the environment.
- 5.3 The DEQ and the Respondent consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders.
- 5.4 This Consent Order in no way affects the Respondent's responsibility to comply with any other applicable local, state, or federal laws or regulations including, without limitation,

any corrective action or similar requirements applicable to the Respondent's facility pursuant to Part 111; Part 121; the federal Resource Conservation and Recovery Act of 1976, as amended, Title 42 of the United States Code, Section 6926(b); and their rules.

- 5.5 The provisions of this Consent Order shall apply to and be binding upon the Respondent, the DEQ, and their successors and assigns. The Respondent shall give notice of this Consent Order to any prospective successor in interest prior to transfer of ownership and shall notify the DEQ of such proposed sale or transfer.

## VI. TERMINATION

- 6.1 This Consent Order shall terminate upon compliance with the requirements of Paragraph 2.1, completion of the SEP specified under Paragraph 3.1, and payment of the civil fine required in Paragraph 4.1 by a written Notice of Termination issued by the Chief of the WHMD.

SIGNATORIES

The undersigned CERTIFY they are fully authorized by the party they represent to enter into this Consent Order to comply by consent and to EXECUTE and LEGALLY BIND that party to it.

Midwest Transport Group, LLC

Department of Environmental Quality

Steven E. Chester  
Director

By:   
Steven DiMaggio

By:   
George W. Brushmann, Chief  
Waste and Hazardous Materials Division

Title: Manager

Date: 6/9/08

Date: 6/23/08

Approved as to Form:

Michael A. Cox  
Attorney General

By:   
Kathleen L. Cavanaugh (P38006)  
Environment, Natural Resources, and  
Agriculture Division  
Department of Attorney General  
P.O. Box 30755  
Lansing, Michigan 48909

Date: 6-23-08