

## Electro-Plating Services, Inc.

945 East 10 Mile Road, Madison Heights, Michigan  
5900 Commonwealth, Detroit, Michigan

### INTRODUCTION

This timeline of events has been compiled to answer the community's concerns about the investigation into Electro-Plating Services in Madison Heights.

### 1990s

July 27, 1990	MDNR receives PEAS complaint related to the basement pits at EPS.
February 24, 1993	MDNR receives PEAS complaint related to the basement pits at EPS. Follow-up investigation by MDNR.
March 1, 1993	MDNR issues letter to EPS providing notification of violation of the Michigan Environmental Response Act due to release associated with the basement pits. The letter instructs EPS to cease accumulating liquid in the pits, begin removal of the liquid, and initiate an investigation to define the nature and extent of contamination.
March/April June 1993	EPS retains a consultant to provide remedial investigation work. Work Plan is later conditionally approved by MDNR.
October 1, 1993	EPS notifies MDNR that excavation of soil/material from the basement pits has been conducted and testing of the excavated material for waste characterization occurred. MDNR provides response indicating the testing was insufficient due to the hazardous waste streams generated by EPS.
March 1994	EPS provides to MDNR an "Activities Report" prepared by their consultant summarizing the site investigation and sampling results. MDNR subsequently issues a letter to EPS requesting additional information.
September/ October 1994	The consultant for EPS provides a Phase II Site Investigation Work Plan to MDNR for review. MDNR subsequently meets with EPS/consultant to discuss the Work Plan and needed remediation goals under Act 307.
May 11, 1995	DEQ (formerly MDNR) issues a letter to EPS requesting additional information as a result of DEQ's review of the Phase II Site Investigation Work Plan and Addendum. EPS/consultant subsequently provide response.
October 10, 1995	DEQ issues a letter to EPS requesting addition information including a feasibility study and RAP, as well as waste characterization/manifests and closure samples for the soil excavated from the basement.
November 1995	DEQ staff meet with EPS/Sayers to discuss remediation goals and NREPA Part 201 closure requirements. (note Michigan's remediation law has transitioned from 307 to 451/Part 201).

November 4, 1996	Electro-Plating Service, Inc. (EPS) Madison Heights is inspected by DEQ (waste) staff.
December 20, 1996	EPS is issued a Letter of Warning (LOW) identifying the violations noted during the November 4, 1996 inspection. <b><i>Violations included failure to conduct/provide waste characterization analyses; failure to include land disposal restriction notices for waste shipments; failure to submit biennial reporting; failure to properly label containers accumulating hazardous waste; failure to comply with hazardous waste accumulation/storage requirements (greater than 90 day storage); failure to close hazardous waste/liquid industrial waste containers; failure to perform/document weekly container area inspections; failure to provide documentation of employee training; and insufficient contingency planning.</i></b>
March 18, 1997	EPS responds to the December 20, 1996 LOW
March 24, 1997	EPS is issued a return to compliance letter.
<b>2000s</b>	
April 12, 2000	AQD issues Letter of Violation to EPS.
January 25, 2001	AQD and EPS enter into Stipulation for Final Order by Consent to resolve violations of the NESHAP resulting from failure to perform testing requirements and operation of various plating processes/equipment without a permit.
October 12, 2004	EPS Madison Heights is inspected by DEQ (waste) staff.
October 25, 2004	EPS is issued a LOW identifying the violations noted during the October 12, 2004 inspection. <b><i>Violations included failure to comply with hazardous waste accumulations/storage requirements (greater than 90 day storage); failure to characterize and/or properly manage/dispose of high intensity discharge lamps; failure to properly label containers accumulating hazardous waste; failure to perform/document weekly container area inspections; failure to provide sufficient documentation of employee training; failure to maintain the facility in a manner that prevents fire, explosion and release of hazardous waste; and insufficient contingency planning.</i></b>
October 29, 2004 and November 24, 2004	EPS responds to October 25, 2004 LOW.
December 2, 2004	Fast track enforcement referral due to serious and repeat violations (Waste Division).
January 24, 2005	EPS is issued second LOW (waste) due to insufficient information provided to return the facility to compliance.
March 9, 2005	EPS responds to second LOW.
April 13, 2005 and April 18, 2005	EPS's Commonwealth location is inspected by DEQ (waste) staff.
June 7, 2005	EPS is issued a LOW due to <b><i>535 55-gallon drums of hazardous waste that were transported illegally from the 945 East 10 Mile Road location and stored illegally at the 5900 Commonwealth location. Violations included operation of an unauthorized hazardous waste storage facility; failure to transport hazardous and/or liquid industrial waste by a licensed transporter; failure to conduct/provide waste characterization analyses and data; failure to complete hazardous waste shipment manifests; failure to label/mark drums in accordance with hazardous waste accumulation and Department of Transportation shipping requirements; and failure to inspect container areas and ensure container compatibility with contents.</i></b>

June 30, 2005	EPS is issued a LOW due to violations associated with containers stored at the 5900 Commonwealth location in addition to the 535 55-gallon drums of hazardous waste. <b><i>Violations included failure to conduct/provide waste characterization analyses and data; failure to provide hazardous waste shipment manifests; failure to provide land disposal restriction notices; failure to properly label containers; failure to store hazardous waste in areas free of cracks and gaps; and failure to operate the facility in a manner to minimize the possibility of fire, explosion or release of hazardous waste.</i></b>
July 20, 2005	DEQ (waste) staff inspect the Commonwealth location to review inventory of containers less than 55 gallons.
September 9, 2005	EPS (counsel) provides progress update to DEQ regarding violations at the Commonwealth location.
August 18, 2005	EPS (and counsel) and DEQ meet to discuss expedited removal of waste identified at both the Madison Heights and Commonwealth locations.
October 3, 2005	Criminal Enforcement Action filed against Mr. Sayers due to illegal transport and storage of hazardous waste from the Madison Heights location to the Commonwealth location.
November 1, 2005	DEQ staff speak with Mr. Sayers to convey the need to communicate site progress using clearly written narratives on company letterhead and to remind Mr. Sayers of actions that he had agreed to at the Commonwealth location.
November 14, 2005	Mr. Sayers accepts Plea Agreement in 36th District Court. Plea Agreement requires Mr. Sayers to have inventoried and characterized all stored materials at the Commonwealth location by March 1, 2006, as well as provide DEQ a written proposal by March 1, 2006 to dispose, sell or reuse every drum or other material at the Commonwealth location. The Plea Agreement also required Mr. Sayers be on 12 months of non-reporting probation, and to pay a total of \$900 in costs and fines.
January 26, 2006	EPS is issued a 2nd LOW for failure to correct all violations cited in June 7, 2005 and June 30, 2005 letters of warning, as well as the November 14, 2005 signed Plea Agreement. The LOW also served as a final opportunity for EPS to resolve the outstanding violations ahead of DEQ pursuit of escalated enforcement action and penalty assessments.
February 8, 2006	EPS (counsel) responds to DEQ 2nd LOW.
March 1, 2006	EPS provides correspondence to DEQ (waste) with an update on actions taken at the Commonwealth location to correct violations and comply with the plea agreement.
March 22, 2006	DEQ responds to EPS's March 1, 2006 correspondence related to addressing violations noted on March 1, 2006 and the plea agreement. DEQ determined EPS failed to 1) provide a complete inventory of each container 2) characterize each material stored in the containers, and 3) submit written proposal to dispose, sell or reuse every container or other store material for approval.
April 11, 2006	EPS (counsel) responds to DEQ's March 22, 2006 letter.
April 17, 2006	DEQ grants a 45 day extension for removal/proper disposal of containers at Commonwealth location.
September 14, 2006	DEQ provides EPS with potential contractor names to properly transport/dispose of the waste at the Commonwealth location.
October 9, 2006	DEQ staff inspects EPS's Commonwealth location to evaluate progress of container removal. Container sampling had taken place and EPS was working with a contractor for removal with work plan development in progress.

October 10, 2006	EPS (counsel) provides progress update for Commonwealth location. The correspondence also requests allowance of certain items to remain at the facility rather than be included in the disposal program.
October 12, 2006	Contractor for EPS provides DEQ with a summary scope of work for removal of containers from the Commonwealth location.
November 2, 2006	DEQ denies EPS's October 10, 2006 request to allow items to remain at the Commonwealth facility.
November 14, 2006	DEQ denies EPS's (counsel) verbal request to allow Mr. Sayers to self-perform pre-treatment of waste prior to disposal at the Commonwealth location. The request was made as a cost-savings measure.
November 22, 2006	DEQ verbally conveys to EPS's counsel that EPS is not meeting the schedule for disposal at the Commonwealth location.
December 7, 2006	EPS's counsel requests a list of potential waste disposal vendors from DEQ as apparently Dynecol (previously selected contractor) was no longer accepting Mr. Sayer's calls. DEQ contact Dynecol to clarify that Mr. Sayers is not approved to self-perform any pre-treatment of wastes.
March 6, 2007	PEAS complaint referred by Air Quality Division for Madison Heights location due to observed drums in basement, portions of basement filled with liquid, and cracked and corroded flooring.
March 21, 2007	DEQ staff inspect Commonwealth to determine container removal progress and compliance. Containers had been segregated and inventoried. 103 containers had recently been disposed of by the contractor according to Mr. Sayers. <b><i>Violations determined the following on-going violations: illegal storage of hazardous waste without a construction permit or operating license; storage of hazardous waste over 90 days; failure to characterize the composition of all materials; failure to properly label waste containers; failure to document weekly inspections of container areas; failure to provide adequate secondary containment.</i></b>
March 21, 2007	AQD issues Letter of Violation to EPS.
March 22, 2007	36th District Court Judge, Vanessa Jones Bradley orders Mr. Sayers to complete removal of cyanide and hydrochloric acid containers within 30 days or be jailed; and to provide DEQ and U.S. EPA with complete access, testing and removal rights.
June 14, 2007	DEQ staff determines Mr. Sayers has met his plea agreement obligations for the Commonwealth location.
June 27, 2007	36th District Court Judge, Vanessa Jones Bradley discharges Mr. Sayers from probation and closes the case, as the conditions of the plea agreement for the Commonwealth location had been met.
July 24, 2007	EPS Madison Heights location is inspected by DEQ staff as a result of the March 6, 2007 PEAS complaint referred by AQD.
August 20, 2007	EPS issued a LOW due to violations noted during the July 24, 2007 inspection at the Madison Height location. <b><i>Violations included failure to comply with hazardous waste accumulations/storage requirements (greater than 90 day storage); failure to characterize waste; failure to provide waste characterization documentation; failure to properly label containers accumulating hazardous waste; failure to perform/document weekly container area inspections; failure to store hazardous waste in containers that are in good condition; failure to provide adequate training for employees; failure to maintain an adequate contingency plan; failure to manage liquid industrial waste in a closed or</i></b>

*covered container; failure to provide records of liquid industrial waste produced and treated.*

- September 10, 2007 EPS provides hand-written response to August 20, 2007 LOW. The response provided a plan for addressing the violations and documentation of characterization analyses.
- May 20, 2008 DEQ staff conducts follow-up inspection at EPS Madison Heights location.
- June 6, 2008 DEQ issues LOW to EPS. *Violations included failure to provide waste characterization documentation; failure to perform/document weekly container area inspections; failure to provide documentation of adequate employee training; failure to maintain and adequate contingency plan.*
- June 16, 2008 EPS responds to LOW.
- Fall 2008 EPS intermittently provides documentation to DEQ to rectify violations.
- July 2, 2009 DEQ (waste) provides Enforcement Notice and proposed Consent Order to EPS to rectify on-going violations at the Madison Heights location.
- September 25, 2009 DEQ staff meet with EPS and EPS's counsel.
- October 30, 2009 and November 4, 2009 EPS's counsel responds to DEQ proposed Consent Order.
- December 8, 2009 DEQ provides counter-offer to EPS's proposed penalty revisions to the settlement offer.

## 2010s

- January 18, 2010 EPS's counsel responds to DEQ's counter offer for penalty revisions in the settlement offer.
- March 24, 2010 Department of Natural Resources and Environment (DNRE) accepts EPS's counter for the settlement offer based on EPS's limited financial ability. Final penalty is \$4,000 and \$6,623 for surveillance and enforcement costs.
- April 13, 2010 Consent Order between EPS and the DNRE (waste) is fully executed.
- April 9, 2012 WRD issues Violation Notice to EPS for failure to obtain a storm water permit due to having materials/processes stored outside that would result in exposure to storm water.
- May 24, 2012 WRD and EPS/Sayers enter into a General Administrative Consent Order due to previously cited unpermitted discharge.
- May 2, 2016 AQD issues Violation Notice to EPS due to failure to submit MAERS report.
- May 12, 2016 Madison Heights Fire Department files complaint with DEQ alleging improper storage of chemicals at EPS.
- May 13, 2016 DEQ staff inspect the EPS Madison Heights location and substantiate the complaint.
- May 11-27, 2016 City of Madison Heights revokes occupancy for EPS due to fire code/ordinance violations.
- June 6, 2016 DEQ (waste) issues Violation Notice to EPS. *Violations included failure to comply with hazardous waste accumulation/storage requirements (greater than 90 day storage); failure to provide waste characterization; failure to operate the facility to minimize the possibility of fire, explosion or release; failure to close hazardous/liquid industrial by-product containers; failure to store hazardous waste in containers that are in good condition; failure to store hazardous waste/liquid industrial by-product protected from weather, fire, physical damage and vandals.*

June 8, 2016	WRD issues Violation Notice to EPS due to continued unpermitted storm water discharge (due to building/housekeeping conditions) and violation of the WRD Consent Order entered in 2012.
Summer 2016	DEQ staff receive intermittent verbal and email updates from EPS's counsel.
November 15, 2016	DEQ staff conduct follow-up inspection at EPS. As of this date, DEQ had not received a formal written response to the June 6, 2016 Violation Notice, nor any of the work plans or reports requested.
December 2, 2016	DEQ issues 2nd Violation Notice to EPS.
December 5, 2016	DEQ staff discuss the severity of the violations with EPS's counsel.
December 13, 2016	DEQ District provides briefing package to OWMRP management and recommends seeking DHHS determination of imminent and substantial endangerment so that DEQ authority under MCL 324.11148 (cease and desist) may be used.
December 16, 2016	DEQ Director provides letter to DHHS Director requesting that DHHS review information related to the conditions at EPS, and make a determination of an instance of imminent and substantial endangerment to public health.
December 16, 2016	DHHS provides DEQ with imminent and substantial endangerment determination and 1) recommends DEQ use available authorities to secure access and address all hazards at EPS, and 2) supports referral to USEPA for time-critical removal action if determined necessary by DEQ.
December 16, 2016	Attorney for EPS provides response to December 2, 2016 Violation Notice. The response is inadequate.
December 19, 2016	City of Madison Heights revokes occupancy permit.
December 21, 2016	DEQ issues Order to Cease and Desist Operations to EPS/Gary Sayers.
December 22, 2016	DEQ provides USEPA Region 5 Superfund Emergency Response Branch with a Request for Assistance to Perform a Removal Action. USEPA accepts the referral and assigns an On-Scene Coordinator to the site.
December 22, 2016	Great Lakes Water Authority suspends EPS's sewer and wastewater treatment services as well as the authorization to the discharge.
December 30, 2016	USEPA Emergency Response Branch performs Removal Assessment at EPS.
January 4, 2017	DEQ receives Notice of Intent to Comply with the Cease and Desist Order, and a request for Informal Administrative Hearing from attorney for EPS/Gary Sayers (both dated December 23, 2016).
January 17, 2017	USEPA Emergency Response Branch issues the Final Removal Assessment Report summarizing the results of the December 30, 2016 Removal Assessment.
January 20, 2017	DEQ/DAG conduct Informal Administrative Hearing for EPS/Gary Sayers who is represented by their attorney.
February 7, 2017	DEQ and USEPA staff meet with DNR Law Enforcement Division, Environmental Investigations Section (EIS) and USEPA Criminal Investigations Division (CID) to discuss potential criminal case against EPS/Sayers.
February 10, 2017	DEQ issues formal decision to uphold the Cease and Desist Order based on the findings of the Informal Administrative Hearing.

February 28, 2017	USEPA approves the Action Memorandum – Request for a Time-Critical Removal action at EPS to abate the imminent and substantial endangerment posed by uncontrolled hazardous substances at the site. The request was for an USEPA expenditure of up to ~\$1.97M
February/ March 2017	EIS and CID begin criminal investigation into EPS/Sayers.
April 2017	USEPA mobilizes (along with contractors) to begin Time-Critical Removal Action. The action became slightly delayed when Sayers revoked access to USEPA. USEPA subsequently worked through the access issue and continued with the Removal Action in May 2017.
July 2017	EIS and CID serve search warrant on EPS/Sayers.
December 29, 2017	USEPA completes the Time-Critical Removal Action at EPS. Approximately \$1.5M was expended removing uncontrolled hazardous substances from the site.
January 3, 2018	USEPA, DEQ and City of Madison Heights representatives conduct a final walk-through of EPS and meet to discuss potential next steps.
January 5, 2018	DEQ issues letter to EPS/Sayers re-affirming the Order to Cease and Desist Operations remains in effect.
January 25, 2018	USEPA issues the Final Removal Report summarizing the Time-Critical Removal Action conducted at EPS.
February 16, 2018	City of Madison Heights conducts dangerous buildings hearing for the EPS/Sayers properties. DEQ staff provides testimony.
February 23, 2018	WMRPD (formerly OWMRP) provides referral to RRD Superfund Section requesting performance of a full preliminary assessment for EPS.
June 2018	US Department of Justice reaches plea agreement in principle with Sayers/EPS.
June 11, 2018	City of Madison Heights Dangerous Buildings Hearings Officer issues a Findings and Order as a result of the dangerous buildings hearing – the Hearings Officer ordered the EPS buildings located at 945/959 E. 10 Mile be demolished. EPS/Sayers appeals the findings/order. <i>Subsequently, the City of Madison Heights brings a civil action against EPS/Sayers seeking relief including, but not limited to, an ordered demolition or order allowing the City to conduct the demolition with reimbursement and reimbursement for replacement of the corroded sanitary sewer line connection at EPS.</i>
Fall 2018 – January 2019	RRD Superfund Section conducts Preliminary Assessment/Report preparation.
February 14, 2019	EPS/Sayers pleads guilty to one count of felony hazardous waste storage in US District Court for the Eastern District of Michigan.
March 28, 2019	Superfund Preliminary Assessment Report is finalized/approved by DEQ/EPA.
November 5, 2019	EPS/Sayers sentenced in US District Court. Sentencing included 1 year in federal prison, restitution for the \$1.5M removal action, and probation. Sayers ordered to report to federal prison within 90 days.
November 25, 2019	City of Madison Heights v EPS/Sayers trial date in Oakland County Circuit Court. Parties ordered into facilitation by the Circuit Court judge. EGLE (formerly DEQ) provided records responsive to subpoena and staff present to provide testimony during trial. Legal proceedings continue.

## Where can I find updated information on this issue?

EGLE will update their [Electro-Plating Services / I-696 Incident webpage](#) as new information is available.

*Michigan's Environmental Justice Policy promotes the fair, non-discriminatory treatment and meaningful involvement of Michigan's residents regarding the development, implementation, and enforcement of environmental laws, regulations, and policies by this state. Fair, non-discriminatory treatment intends that no group of people, including racial, ethnic, or low-income populations, will bear a disproportionately greater burden resulting from environmental laws, regulations, policies, and decision-making.*

*Meaningful involvement of residents ensures an appropriate opportunity to participate in decisions about a proposed activity that will affect their environment and/or health.*