



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



LIESL EICHLER CLARK
DIRECTOR

August 9, 2022

VIA EMAIL AND U.S. MAIL

No. SVN-01235

Dan Dressler, Vice President of Operations
Tribar Technologies, Inc.
48668 Alpha Drive
Wixom, Michigan 48393

Dear Dan Dressler:

SUBJECT: Second Violation Notice - Egregious

The Department of Environment, Great Lakes, and Energy (EGLE), Water Resources Division (WRD), has determined that Tribar Technologies, Inc. (Tribar) is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, MCL 324.3101; the Part 5, Spillage of Oil and Polluting Materials, administrative rules promulgated pursuant to Part 31 (Part 5 Rules); the Part 23, Pretreatment, administrative rules promulgated pursuant to Part 31 (Part 23 Rules); and the Sewage Disposal System Wastewater Discharge Permit issued to Tribar by the city of Wixom (Wixom).

On Monday, August 1, 2022, at 3:51 p.m., Ryan O'Keefe notified EGLE's Pollution Emergency Alert System Hotline of a release of hexavalent chromium to Norton Creek from Tribar's Plant 5, located at 48668 Alpha Drive, Wixom, Michigan 48393. EGLE staff confirmed with Ryan O'Keefe that the release was instead to the Wixom sanitary sewer system and ultimately to the Wixom Wastewater Treatment Plant (WWTP) that is authorized to discharge to Norton Creek via National Pollutant Discharge Elimination System Permit No. MI0024384.

On Wednesday, August 3, 2022, during an on-site inspection with EGLE, Ryan O'Keefe informed EGLE staff that he provided in-person notification of the hexavalent chromium release to the WWTP around 8:30 a.m. on Monday, August 1, 2022, after becoming aware of the release sometime between 6:00 a.m. and 7:00 a.m. on August 1, 2022. Per Tribar's Sewage Disposal System Wastewater Discharge Permit, notifications of a slug discharge are required to be made immediately by telephone. Failure to immediately report a slug discharge is a violation of the Part 23 Rules and Tribar's Sewage Disposal System Wastewater Discharge Permit.

Tribar is required by their Sewage Disposal System Wastewater Discharge Permit to provide a detailed written report within five days following a slug discharge describing the cause of the discharge, location of the discharge, type of waste, concentration, volume, and measures to be taken to prevent further occurrences. Tribar submitted the five-day Upset, Slug, or Accidental Discharge Report (Slug Report) to Wixom and EGLE on August 5, 2022. Tribar also provided a copy of the Slug Report to the Department of Health and Human Services on Saturday, August 6, 2022.

According to the information provided in the Slug Report, the contents from Tank A, a 14,923-gallon rinse waste holding tank that contained approximately 10,000 gallons of chromic acid etch material with approximately 5 percent total chromium, was emptied on the evening of Friday, July 29, 2022, and entered the sanitary sewer as a slug discharge. The slug discharge resulted in the Wixom WWTP experiencing pass-through and interference. The Part 23 Rules expressly prohibit a nondomestic user from introducing any pollutant to a publicly owned treatment works that causes pass-through or interference. The slug discharge from Plant 5 is a violation of the Part 23 Rules.

As was discussed during the on-site inspection conducted August 3, 2022, the Part 5 Rules require Tribar to maintain a Pollution Incident Prevention Plan (PIPP) and certify that the facility is in full compliance with the Part 5 Rules. EGLE records show that Tribar has not certified compliance with the Part 5 Rules. Further, the Part 5 Rules require Tribar to evaluate the PIPP every three years or after any release that requires implementation of the PIPP. The latest PIPP EGLE was able to obtain from Wixom was not dated but upon evaluation of the contents of the PIPP, it does not appear to be current. As a reminder, Rule 7 of the Part 5 Rules requires submittal of a pollution incident report within 10 days after a release.

The violations identified in this Second Violation Notice (SVN) are continuing.

The violations identified in this SVN are violations of Part 31, the Part 5 Rules, the Part 23 Rules, and the Sewage Disposal System Wastewater Discharge Permit issued to Tribar by Wixom.

Tribar should take immediate action to achieve and maintain compliance with the terms and conditions of Part 31, the Part 5 Rules, the Part 23 Rules, and the Sewage Disposal System Wastewater Discharge Permit issued to Tribar by Wixom.

Please submit a written response to this SVN via MiWaters by August 20, 2022. At a minimum, the response shall include:

1. A detailed chronology of events at Plant 5 that occurred prior to the discharge of Tank A on Friday, July 29, 2022.
 - a. The Slug Report identifies that the material in Tank A began being bled into the treatment system between July 25, 2022, and July 29, 2022. Was any of the material bled out of Tank A prior to 5:40 p.m. on July 29, 2022, when the Friday evening operator clocked in for their shift? If so, what was the volume?
 - b. During the on-site inspection conducted August 3, 2022, Ryan O'Keefe stated that he observed Tank A prior to leaving Tribar around 5:00 p.m. on Friday, July 29, 2022. What was Ryan O'Keefe's observation of the volume of Tank A prior to his departure on Friday, July 29, 2022?
 - c. Provide Ryan O'Keefe's employee time clock log for Friday, July 29, 2022.
2. The actions the operator took on the evening of Friday, July 29, 2022, that resulted in the contents of Tank A going through the on-site waste treatment system and granulated activated carbon (GAC) treatment system and ultimately to the Wixom WWTP.

- a. Please explain how the operator overrode the waste treatment alarms 460 times between the programmable logic controller time stamp of 4:59 p.m. to 7:46 p.m. on Friday, July 29, 2022.
 - b. Please explain what happens when an alarm is overridden in relation to the on-site waste treatment system starting from Tank A through the GAC treatment system.
 - c. The actions that will be implemented to ensure waste treatment alarms are communicated up the Tribar chain of command when alarms are ignored or overridden. These communications should include the name of the specific alarm; whether the alarm was reset, bypassed, or overridden; and the name of the individual in charge of the waste treatment system at the time of the alarm.
3. The exact time the discharge to the Wixom WWTP began on Friday, July 29, 2022, and the exact time when the discharge ceased.
 4. Did any discharges, other than from Tank A, occur from the on-site waste treatment system to the Wixom WWTP on Saturday, July 30, 2022, and/or Sunday, July 31, 2022?
 5. What other discharges from the on-site waste treatment system occurred from July 24, 2022, to July 29, 2022?
 6. A list of all wastewater streams that were stored in Tank A at the time the determination was made that the contents could be wasted. Confirm that Tank A was not comingled with other waste streams in the days prior to discharge. If Tank A was comingled, provide what the other waste stream consisted of and what volume would have been mixed with Tank A contents.
 7. Is there is a passive or controlled overflow between Tank A and Tank B? Provide the volume of liquid that may have transferred between Tanks A and B from Thursday, July 28, 2022, through Sunday, July 31, 2022.
 8. The time and date the decision was made to waste the contents of Tank A.
 - a. The sample results from Tank A used to determine that the contents of Tank A should be wasted.
 - b. The name of the person who made the decision to waste the contents of Tank A and how the decision was communicated to Tribar waste treatment staff.
 - c. If Tank A was sampled prior to making the decision to waste, provide the sample results.
 9. Provide the tank levels that the high-level alarms and low-level alarms are set at.
 10. Programmable logic controller data recorded ongoing high-level alarms between 4:59 p.m. and 7:46 p.m. on Friday, July 29, 2022. Another high-level alarm was recorded at 11:00 p.m. that same day. Provide who responded to the 11:00 p.m. alarm. Explain why there was no low-level alarm recorded if Tank A was emptied some time on Friday evening.

11. The exact time Wixom was notified of the discharge on Monday, August 1, 2022. Who from Tribar reported the discharge to Wixom? How was the discharge reported?
12. A detailed account of the actions taken by Tribar once the release was discovered on the morning of August 1, 2022, and through August 8, 2022.
13. The Slug Report identifies that Plant 5 was not in production and that no one should be at the facility during production downtimes. Why was a wastewater operator in the facility, unsupervised, during the weekend of Friday, July 29, 2022, to Monday, August 1, 2022? To whom did the operator who overrode the alarms report to during this time?
14. During normal operations, the time it takes for contents in the rinse waste holding tanks to go through the on-site waste treatment system and GAC treatment system and discharged to the Wixom WWTP.
15. Detailed actions taken or will be taken by Tribar to ensure a slug discharge to the Wixom WWTP does not occur in the future.
16. The actions taken or will be taken by Tribar to get the on-site waste treatment back online.
17. The specific details describing how and where (e.g., landfill, injection well, another waste treatment facility, etc.) any impacted solids or liquids that overflowed the tanks in the waste treatment system and the production area have been captured, stored, and/or disposed of adhering the appropriate regulations.
18. Provide the information collected from the exit interview conducted with Anthony Johnston on Monday, August 1, 2022.

If Tribar has any factual information it would like EGLE to consider regarding the violations identified in this SVN, please provide them with your written response.

Compliance with the terms of this SVN does not relieve Tribar of any liability, past or present, from the failure to meet the conditions specified in the Sewage Disposal System Wastewater Discharge Permit issued to Tribar by Wixom or failure to comply with Part 31, the Part 5 Rules, and the Part 23 Rules.

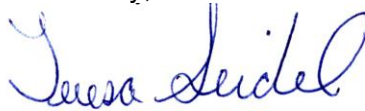
The WRD reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil action seeking fines, enforcement costs, injunctive relief, and potential criminal prosecution.

Due to the severity of the noncompliance, the matter is being referred for escalated enforcement.

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EGLE anticipates and appreciates your cooperation in resolving this matter. Should you require further information regarding this SVN or if you would like to arrange a meeting to discuss it, please contact me at SeidelT@Michigan.gov or EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958.

Sincerely,



Teresa Seidel, Director
Water Resources Division

cc: Paul Bohn, Fausone Bohn, LLP
Ryan O'Keefe, Tribar
Ruben John, City of Wixom
Tim Sikma, City of Wixom
Phil Argiroff, EGLE
Susan Doty, EGLE
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