

**STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY**

In the matter of:

Electro Chemical Finishing Co.  
2610 Remico Street, SW  
Wyoming, Michigan 49519

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ACO-000261  
OWMRP Order No. 111-02-16  
AQD Order No. 4-2016  
Date Entered: March 24, 2016

**ADMINISTRATIVE CONSENT ORDER**

This document results from allegations by the Department of Environmental Quality (DEQ), Air Quality Division (AQD), Water Resources Division (WRD), and Office of Waste Management and Radiological Protection (OWMRP). The DEQ alleges that Electro Chemical Finishing Co. (ECF) located at 2610 Remico Street, SW, Wyoming, in Michigan's Kent County is in violation of the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, 40 CFR Part 63, Subpart N, and the NESHAP for Halogenated Solvent Cleaning, 40 CFR Part 63, Subpart T. The DEQ also alleges that ECF is in violation of Part 31, Water Resources Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101 *et seq.* (Part 31), Part 55, Air Pollution Control, of the NREPA, MCL 324.5501 *et seq.* (Part 55), Part 111, Hazardous Waste Management, of the NREPA, MCL 324.11101 *et seq.* (Part 111), and the associated administrative rules promulgated under Parts 31, 55, and 111. In addition, the DEQ alleges that ECF is in violation of AQD Permit to Install (PTI) No. 584-91C and Certificate of Coverage (COC) No. MIS110567 issued under National Pollutant Discharge Elimination System (NPDES) General Permit No. MIS110000. ECF is a person, as defined by Section 301 of the NREPA, MCL 324.301, and is registered with the Michigan Department of Licensing and Regulatory Affairs (DLARA) as able to conduct business in the State of Michigan under Identification Number 192915. ECF and the DEQ agree to resolve the violations set forth herein through entry of this Administrative Consent Order (Consent Order).

## **I. STIPULATIONS**

ECF and the DEQ stipulate as follows:

- 1.1 The NREPA is an act that controls pollution to protect the environment and natural resources in the state.
- 1.2 Part 31 of the NREPA and the rules promulgated pursuant thereto provide for the protection, conservation, and the control of pollution of the water resources of the state.
- 1.3 Part 55 of the NREPA provides for air pollution control regulations in this state. The DEQ is authorized pursuant to Section 5503 of the NREPA, MCL 324.5503, to administer and enforce all provisions of Part 55.
- 1.4 Pursuant to its authority under Part 111 of the NREPA, specifically MCL 324.105, the DEQ has promulgated the Part 111 administrative rules to regulate the identification, generation, treatment, storage, disposal, and transportation of hazardous wastes in Michigan. These rules are set forth in the Michigan Administrative Code at R 299.9101 *et seq.*
- 1.5 The DEQ is authorized by Section 3112(4) of Part 31, MCL 324.3112(4), Section 5503(f) of Part 55, MCL 324.5503(f), and Section 11151(1) of Part 111, MCL 324.11151(1), to enter orders requiring persons to abate pollution or otherwise cease or correct activities in violation those parts. The director of the DEQ may delegate this authority to a designee under Section 301(b) of the NREPA, MCL 324.301(b).
- 1.6 ECF consents to the issuance and entry of this Consent Order and stipulates that the entry of this Consent Order constitutes a final order of the DEQ and is enforceable as such under Section 3112(4) of Part 31, Section 5503(f) of Part 55, and Section 11151(1) of Part 111. ECF agrees not to contest the issuance of this Consent Order and that the resolution of this matter by the entry of this Consent Order is appropriate and acceptable. It is also agreed that this Consent Order shall become effective on the date it is signed by the director of the DEQ or his designee, pursuant to Section 301(b) of the NREPA.

- 1.7 ECF and the DEQ agree that the signing of this Consent Order is for settlement purposes only and does not constitute an admission by ECF that the law has been violated.
- 1.8 The signatory to this Consent Order certifies that it is fully authorized by ECF to enter into the terms and conditions of this Consent Order and to execute and legally bind ECF to this document. The ECF hereby agrees to comply with the requirements of this Consent Order to resolve the violations stated in Section II of this Consent Order and agrees to achieve compliance with Parts 31, 55, and 111 of the NREPA by fulfilling the terms of Section III of this Consent Order.

## **II. FINDINGS**

- 2.1 ECF operates an electroplating and polishing facility located at 2610 Remico Street, SW in the city of Wyoming, in Kent County, under various permits and authorizations issued by the DEQ, including Certificate of Coverage (COC) No. MIS110567 issued under NPDES General Permit No. MIS110000 and AQD PTI-584-91C. In addition, Site Identification Number MID980990113 has been issued to ECF as a large quantity generator of hazardous waste regulated by Part 111 of the NREPA.
- 2.2 NPDES General Permit MIS110000, issued by the WRD pursuant to Part 31 of the NREPA, authorizes the discharge of storm water associated with industrial activity and requires that ECF implement a number of storm water management control measures to minimize the discharge of pollutants to waters of the state.
- 2.3 As a large quantity generator of hazardous waste, Part 111 of the NREPA obligates ECF to assure that facilities are maintained and operated to minimize the possibility of fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water, which could threaten human health or the environment.

- 2.4 On December 11, 2014, the DEQ's WRD and ECF were notified by the City of Wyoming's Environmental Services Department staff that an apparent discharge of plating wastewater was occurring from a storm water outfall servicing the ECF property at 2610 Remico Street, SW, to Roys Creek, a water of the state. In addition to the presence of metals indicative of plating wastewater, including hexavalent chromium, samples collected by the City of Wyoming's Environmental Services Department revealed storm water discharged from the ECF property had a pH of 1.2 standard units and chromium concentrations exceeding 5.0 milligrams per liter (mg/l), which is a characteristic hazardous waste. ECF reported the discharge on December 11, 2014, to the WRD's Grand Rapids District Office.
- 2.5 Discharges of substances that are or may become injurious, including discharges of hazardous waste, to waters of the state are prohibited by Section 3109(1) of Part 31, MCL 324.3109(1), the NPDES General Permit, and R 299.9306(1)(d) promulgated pursuant to Part 111 (which references the requirements of 40 CFR Part 265, Subpart C and 40 CFR 265.31, both of which were promulgated pursuant to the federal Resource Conservation and Recovery Act, 42 USC 6901 *et seq.*).
- 2.6 WRD staff discussed the discharge with ECF staff via telephone on December 12, 2014, and received information that ECF had employed a cleanup contractor on December 11, 2014, to mitigate the release and was further working to eliminate the illicit discharge, which was determined to be emanating from a failed concrete trench drain (below a plating tank) via subsurface soils to a disconnected joint on the roof drainage system that thence conveyed the plating wastewater to Roys Creek through the facility's storm sewers. On December 11, 2014, ECF's contractor placed caps at the outfall to Roys Creek and on the facility storm sewer line to stop the flow of liquid.
- 2.7 A follow-up site inspection was conducted by WRD staff on December 15, 2014, confirming that the outfall to Roys Creek remained capped as cleanup activities associated with the release continued. A Violation Notice (VN-005971) was issued by the DEQ on December 26, 2014. ECF timely responded to the Violation Notice with a detailed submittal dated January 30, 2015.

- 2.8 Staff from the DEQ's OWMRP conducted an inspection of ECF's Remico Street facility on January 16, 2015, which resulted in the DEQ's issuance of a Violation Notice on January 22, 2015, citing ECF for inadequate training and recordkeeping as required by Part 111 of the NREPA. On February 5, 2015, ECF submitted a response to the Part 111 personnel training violations cited in the January 22, 2015, Violation Notice and provided documentation that the training had been conducted.
- 2.9 Staff from the DEQ's AQD conducted an inspection of ECF's Remico Street facility on January 16, 2015, which resulted in the DEQ's issuance of a Violation Notice on February 4, 2015, that outlined the following alleged violations:
- a) No annual report submitted from 2010-2014 for an existing vapor degreaser [40 CFR 63.468(f)].
  - b) Failure to submit notification of construction for emission unit EUALINE [Two decorative trivalent chrome plating tanks. 40 CFR 63.345(b), PTI No. 584-91C, Special Condition (SC) VII.1].
  - c) Failure to properly operate and maintain air pollution control equipment on emission unit EUALINE [40 CFR 63.6(e)(1)(i), Rule 910, PTI No. 584-91C, SC IV.1 and V1.2].
  - d) Failure to maintain records of control device inspections for emission unit EUALINE (PTI No. 584-91C, SC VI.4).
  - e) Failure to properly operate and maintain air pollution control equipment on emission unit EUBLINE (R 336.1910).
  - f) Failure to properly implement the Operation and Maintenance Plan (O&M Plan) on emission unit EUBLINE (PTI 584-91C, SC III.3).
  - g) Failure to maintain records of control device inspections on emission unit EUBLINE (PTI No. 584-91C, SC VI.2).
  - h) Failure to properly operate and maintain air pollution control equipment on emission unit EUCLINE (40 CFR 63.6(e)(1)(i), Rule 336.1910, PTI No. 584-91C, SC IV.1).
  - i) Failure to properly implement the O&M Plan on emission unit EUCLINE (PTI No. 584-91C, SC III.3).

- j) Failure to maintain records of control device inspections on emission unit EUCLINE (PTI No. 584-91C, SC VI.3).
- k) Failure to properly operate and maintain the Rack Strip Line Scrubber (R 336.1910).
- l) Failure to properly operate and maintain the Waste Treatment Scrubber (R 336.1910).

ECF submitted a response on March 6, 2015, that included a proposed compliance plan to address the above alleged violations. ECF also submitted an additional response dated April 22, 2015, regarding plans for conducting required stack testing that is a component of the proposed compliance plan.

2.10 Staff from the DEQ's AQD conducted an additional inspection of ECF's Remico Street facility on November 23, 2015, which resulted in the DEQ's issuance of a Violation Notice on December 2, 2015, which outlined the following alleged violation:

- a) Failure to maintain and properly operate an air-cleaning device on emission unit EUBLINE (R 336.1910).

ECF submitted a response dated December 22, 2015, which included a proposed compliance plan to address the above alleged violation.

### **III. COMPLIANCE PROGRAM**

IT IS THEREFORE AGREED AND ORDERED THAT ECF shall take the following actions to comply with and prevent further violations of Parts 31, 55, and 111 of the NREPA:

- 3.1 Within sixty (60) of days of the effective date of this consent order, ECF shall submit for review and approval either a certification from an licensed professional independent engineer that, as required by R 299.9301(3)(b), any ancillary equipment and containment system for the on-site wastewater treatment unit meets the applicable requirements for a tank system in R 299.9615 or a work plan designed to meet the requirements of R 299.9615 with a schedule for its implementation that will provide for

completion of the work within ninety (90) days of the approval of the work plan and that will provide for both of the following:

- a) the operation of the facility so as to minimize the possibility of any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water which could threaten human health or the environment, as required by 40 CFR 265.31 and R 299.9306(1)(d), and
- b) the accumulation of hazardous waste so that hazardous waste or hazardous waste constituents cannot escape by gravity into the soil, directly or indirectly, into surface or ground waters, or into drains or sewers and so that fugitive emissions are not in violation of part 55 of the act, as required by R 299.9306(1)(f).

3.2 On and after the effective date of this Consent Order, ECF personnel shall receive all required hazardous waste training including an annual review of their initial hazardous waste management training in accordance with 40 CFR 265.16(c), as required by R 299.9306(1)(d).

3.3 On and after the effective date of this Consent Order, ECF shall comply with all requirements of:

- a) the NESHAP for Chromium Emissions from Hard and Decorative Chromium Electroplating and Chromium Anodizing Tanks, 40 CFR Part 63 Subpart N,
- b) the NESHAP for Halogenated Solvent Cleaning, 40 CFR Part 63 Subpart T, and
- c) AQD PTI 584-91C and any modifications to this permit during the term of the Consent Order.

3.4 ECF shall submit all reports, work plans, specifications, schedules, or any other writing required by this section to the Grand Rapids District Coordinator, DEQ, 350 Ottawa Avenue, NW, Grand Rapids, Michigan 49503-2316. The cover letter with each submittal shall identify the specific paragraph and requirement of this Consent Order that the submittal is intended to satisfy.

#### **IV. DEQ APPROVAL OF SUBMITTALS**

- 4.1 For any work plan, proposal, or other document, excluding applications for permits or licenses, that are required by this Consent Order to be submitted to the DEQ by ECF, the following process and terms of approval shall apply.
- 4.2 All work plans, proposals, and other documents required to be submitted by this Consent Order shall include all of the information required by the applicable statute and/or rule, and all of the information required by the applicable paragraph(s) of this Consent Order.
- 4.3 In the event the DEQ disapproves a work plan, proposal, or other document, it will notify ECF, in writing, specifying the reasons for such disapproval. ECF shall submit, within thirty (30) days of receipt of such disapproval, a revised work plan, proposal, or other document which adequately addresses the reasons for the DEQ's disapproval. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify ECF of this disapproval.
- 4.4 In the event the DEQ approves with specific modifications a work plan, proposal, or other document, it will notify ECF, in writing, specifying the modifications required to be made to such work plan, proposal, or other document prior to its implementation and the specific reasons for such modifications. The DEQ may require ECF to submit, prior to implementation and within thirty (30) days of receipt of such approval with specific modifications, a revised work plan, proposal, or other document which adequately addresses such modifications. If the revised work plan, proposal, or other document is still not acceptable to the DEQ, the DEQ will notify ECF of this disapproval.
- 4.5 Upon DEQ approval, or approval with modifications, of a work plan, proposal, or other document, such work plan, proposal, or other document shall be incorporated by reference into this Consent Order and shall be enforceable in accordance with the provisions of this Consent Order.
- 4.6 Failure by ECF to submit an approvable work plan, proposal, or other document, within the applicable time periods specified above, constitutes a violation of this Consent Order

and shall subject ECF to the enforcement provisions of this Consent Order, including the stipulated penalty provisions specified in paragraph 9.3.

- 4.7 Any delays caused by ECF's failure to submit an approvable work plan, proposal, or other document when due shall in no way affect or alter ECF's responsibility to comply with any other deadline(s) specified in this Consent Order.
- 4.8 No informal advice, guidance, suggestions, or comments by the DEQ regarding reports, work plans, plans, specifications, schedules or any other writing submitted by ECF will be construed as relieving ECF of its obligation to obtain written approval, if and when required by this Consent Order.

#### **V. EXTENSIONS**

- 5.1 ECF and the DEQ agree that the DEQ may grant ECF a reasonable extension of the specified deadlines set forth in this Consent Order. Any extension shall be preceded by a written request in duplicate to the DEQ, WRD, Water Enforcement Unit Chief, Constitution Hall, 525 West Allegan Street, Lansing, Michigan 48909-7773, and the Grand Rapids District Coordinator at the address in paragraph 3.4, no later than ten business days prior to the pertinent deadline, and shall include:
- a) Identification of the specific deadline(s) of this Consent Order that will not be met.
  - b) A detailed description of the circumstances that will prevent ECF from meeting the deadline(s).
  - c) A description of the measures ECF has taken and/or intends to take to meet the required deadline.
  - d) The length of the extension requested and the specific date on which the obligation will be met.

The Grand Rapids District Coordinator or a designee, in consultation with the WRD's Water Enforcement Unit Chief, shall respond in writing to such requests. No change or modification to this Consent Order shall be valid unless in writing from the DEQ, and if applicable, signed by both parties.

## **VI. REPORTING**

- 6.1 ECF shall verbally report any violation(s) of the terms and conditions of this Consent Order to the Grand Rapids District Coordinator identified in Paragraph 3.4, by no later than the close of the next business day following detection of such violation(s) and shall follow such notification with a written report within five business days following detection of such violation(s). The written report shall include a detailed description of the violation(s), as well as a description of any actions proposed or taken to correct the violation(s). ECF shall report any anticipated violation(s) of this Consent Order to the above-referenced individual in advance of the relevant deadlines whenever possible.

## **VII. RETENTION OF RECORDS**

- 7.1 Upon request by an authorized representative of the DEQ, ECF shall make available to the DEQ all records, plans, logs, and other documents required to be maintained under this Consent Order or pursuant to the NREPA or its rules. All such documents shall be retained by ECF for at least a period of five years from the date of generation of the record unless a longer period of record retention is required by the NREPA or its rules.

## **VIII. RIGHT OF ENTRY**

- 8.1 ECF shall allow any authorized representative or contractor of the DEQ, upon presentation of proper credentials, to enter upon the premises of the Facility at all reasonable times for the purpose of monitoring compliance with the provisions of this Consent Order. This paragraph in no way limits the authority of the DEQ to conduct tests and inspections pursuant to the NREPA and the rules promulgated thereunder, or any other applicable statutory provision.

## IX. PENALTIES

- 9.1 Within thirty (30) days after the effective date of this Consent Order, ECF shall pay to the State of Michigan \$1,000.00 as agreed upon compensation for the cost of investigations and enforcement activities arising from the violations specified in Section II of this Consent Order. Payment shall be made in accordance with paragraph 9.4.
- 9.2 Within thirty (30) days after the effective date of this Consent Order and according to the payment schedule outlined below, ECF shall pay to the State of Michigan a civil fine of \$107,592.00. The fines shall be paid in accordance with paragraph 9.4.
- 9.2.1 \$7,500.00 for the violations of Part 31 specified in Section II of this Consent Order.
- 9.2.2 \$25,500.00 for the violations of Part 111 specified in Section II of this Consent Order.
- 9.2.3 \$74,592.00 for the violations of Part 55 specified in Section II of this Consent Order.
- 9.2.4 The total sum of \$107,592.00 shall be made in four (4) payments as follows: a payment of \$26,898.00 shall be paid within thirty (30) days of the effective date of this Consent Order; a second payment of \$26,898.00 shall be made within 4 months of the effective date; a third payment of \$26,898.00 shall be made within 8 months of the effective date; a final payment of \$26,898.00 shall be made within 12 months of the effective date.
- 9.3 For each failure to comply with any other provision of this Consent Order, ECF is subject to stipulated penalties of **\$200.00** per violation per day for 1 to 7 days of violation, **\$300.00** per violation per day for 8 to 14 days of violation, and **\$500.00** per violation per day for each day of violation thereafter. Payments shall be made in accordance with paragraph 9.4.

- 9.4 ECF shall pay all stipulated penalties within thirty (30) days after receipt of an invoice from the DEQ. ECF agrees to pay all funds due pursuant to this Consent Order by check made payable to the "State of Michigan" and mailed to the Accounting Services Division, Cashier's Office for the DEQ, P.O. Box 30657, Lansing, Michigan 48909-8157, or may be hand delivered to the Accounting Services Division, Cashier's Office for DEQ, 425 West Ottawa Street, Lansing, Michigan 48933. To ensure proper credit, all payments made pursuant to this Consent Order must include the **Payment Identification No. MUL3019**.
- 9.5 ECF agrees not to contest the legality of the civil fine or costs paid pursuant to paragraphs 9.1, and 9.2, above. ECF further agrees not to contest the legality of any stipulated penalties assessed pursuant to paragraph 9.3, above, but reserves the right to dispute the factual basis upon which a demand by the DEQ for stipulated penalties is made.
- 9.6 The DEQ reserves its rights to seek interest on any unpaid sums due pursuant to the terms of the Consent Order. Subject to the other provisions of this Section IX, the DEQ may waive, in its unreviewable discretion, any portion of stipulated penalties and interest that has accrued pursuant to this Consent Order. This interest penalty shall be based on the rate set forth at MCL 600.6013(8), using the full increment of amount due as principal, and calculated from the due date for the payment until the delinquent payment is finally made in full.

#### **X. FORCE MAJEURE**

- 10.1 ECF shall perform the requirements of this Consent Order within the time limits established herein, unless performance is prevented or delayed by events that constitute a "Force Majeure." Any delay in the performance attributable to a "Force Majeure" shall not be deemed a violation of ECF's obligations under this Consent Order in accordance with this section.

- 10.2 For the purpose of this Consent Order, "Force Majeure" means an occurrence or nonoccurrence arising from causes not foreseeable, beyond the control of, and without the fault of ECF, such as: an Act of God, untimely review of permit applications or submissions by the DEQ or other applicable authority, and acts or omissions of third parties that could not have been avoided or overcome by ECF's diligence and that delay the performance of an obligation under this Consent Order. "Force Majeure" does not include, among other things, unanticipated or increased costs, changed financial circumstances, or failure to obtain a permit or license as a result of ECF's actions or omissions.
- 10.3 ECF shall notify the DEQ, by telephone, within 48 hours of discovering any event that may cause a delay in its compliance with any provision of this Consent Order. Verbal notice shall be followed by written notice within ten calendar days and shall describe, in detail, the anticipated length of delay, the precise cause or causes of delay, the measures taken by ECF to prevent or minimize the delay, and the timetable by which those measures shall be implemented. ECF shall adopt all reasonable measures to avoid or minimize any such delay. Nothing in this paragraph obviates the need to report violations as required by Paragraph 6.1 of this Consent Order.
- 10.4 Failure of ECF to comply with the notice requirements and time provisions under paragraph 10.3 shall render this Section X void and of no force and effect as to the particular incident involved. The DEQ may, at its sole discretion and in appropriate circumstances, waive in writing the notice requirements of paragraph 10.3, above.
- 10.5 If the parties agree that the delay or anticipated delay was beyond the control of ECF, this may be so stipulated, and the parties to this Consent Order may agree upon an appropriate modification of this Consent Order. However, the DEQ is the final decision-maker on whether or not the matter at issue constitutes a force majeure. The burden of proving that any delay was beyond the reasonable control of ECF, and that all the requirements of this Section X have been met by ECF, rests with ECF.

- 10.6 An extension of one compliance date based upon a particular incident does not necessarily mean that ECF qualifies for an extension of a subsequent compliance date without providing proof regarding each incremental step or other requirement for which an extension is sought.

## **XI. GENERAL PROVISIONS**

- 11.1 With respect to any violations not expressly 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 to comply with the requirements of any state or federal law, including the NREPA and its rules. After the effective date of this Consent Order, if the DEQ or Department of Attorney General (DAG) initiates any administrative or judicial proceeding for injunctive relief, recovery of response activity costs, or other appropriate relief relating to the facility, which are not expressly addressed by this Consent Order, ECF agrees not to assert and shall not maintain any defenses or claims that are based upon the principles of waiver, res judicata, collateral estoppel, issue preclusion, or claim splitting, or that are based upon a defense that contends any claims raised by the DEQ or the DAG in such a proceeding were or should have been brought in this case.
- 11.2 The DEQ and ECF consent to enforcement of this Consent Order in the same manner and by the same procedures for all final orders entered pursuant to Parts 31, 55, and 11 of the NREPA.
- 11.3 This Consent Order in no way affects ECF's responsibility to comply with any other applicable state, federal, or local laws or regulations.
- 11.4 The DEQ reserves its right to pursue appropriate action, including injunctive relief to enforce the provisions of this Consent Order, and at its discretion, may also seek stipulated fines or statutory fines for any violation of this Consent Order. However, the WRD is precluded from seeking both a stipulated fine under this Consent Order and a statutory fine for the same violation.

- 11.5 The parties agree to diligently and in good faith pursue informal negotiations to resolve any disputes arising out of this Consent Order prior to resorting to judicial enforcement. Such negotiations shall proceed in a timely manner.
- 11.6 Nothing in this Consent Order is or shall be considered to affect any liability ECF may have for natural resource damages caused by ECF's ownership and/or operation of the facility. The State of Michigan does not waive any rights to bring an appropriate action to recover such damages to the natural resources.
- 11.7 In the event ECF sells or transfers the facility, it shall advise any purchaser or transferee of the existence of this Consent Order in connection with such sale or transfer. Within thirty (30) calendar days, ECF shall also notify the Grand Rapids District Coordinator, in writing, of such sale or transfer, the identity and address of any purchaser or transferee, and confirm the fact that notice of this Consent Order has been given to the purchaser and/or transferee. The purchaser and/or transferee of this Consent Order must agree, in writing, to assume all of the obligations of this Consent Order. A copy of that agreement shall be forwarded to the Grand Rapids District Coordinator within thirty (30) days of assuming the obligations of this Consent Order.
- 11.8 The provisions of this Consent Order shall apply to and be binding upon the parties to this action, and their successors and assigns.
- 11.9 This Consent Order constitutes a civil settlement and satisfaction as to the resolution of the violations specifically addressed herein; however, it does not resolve any criminal action that may result from these same violations.
- 11.10 The effective date of this Consent Order is the date it is signed by the DEQ Director.

## **XII. TERMINATION**

12.1 This Consent Order shall remain in full force and effect, for a minimum of two years from the effective date, until terminated by a written Termination Notice (TN) issued by the DEQ. Prior to issuance of a written TN, ECF shall submit a request consisting of a written certification that ECF has fully complied with the requirements of this Consent Order and has made payment of any fines, including stipulated penalties, required in this Consent Order. Specifically, an acceptable certification shall include:

- a) The date of compliance with each provision of the compliance program in Section III, and the date any fines or penalties were paid.
- b) A statement that all required information has been reported to the district coordinator.
- c) Confirmation that all records required to be maintained pursuant to this Consent Order are being maintained at the facility.

The DEQ may also request additional relevant information. The DEQ shall not unreasonably withhold issuance of a TN.

**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.

**MICHIGAN DEPARTMENT OF ENVIRONMENTAL QUALITY**

  
\_\_\_\_\_  
By: Keith Creagh, Director  
3/24/2016  
Date

**ELECTRO CHEMICAL FINISHING CO.**

  
\_\_\_\_\_  
By: Terry L. Vollmer, Chief Executive Officer  
MARCH 14, 2016  
Date

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
By: Neil D. Gordon, Assistant Attorney General  
For: S. Peter Manning, Chief  
Environment, Natural Resources, and Agriculture Division  
Michigan Department of Attorney General  
3/18/16  
Date