

STATE OF MICHIGAN
CIRCUIT COURT FOR THE 30TH JUDICIAL CIRCUIT
INGHAM COUNTY

THE PEOPLE OF THE STATE OF
MICHIGAN and MICHIGAN DEPARTMENT
OF ENVIRONMENT, GREAT LAKES, AND
ENERGY,

Plaintiffs,

No. 2025- 3119 -CE

HON. HON. MORGAN E. COLE

v

TRIBAR TECHNOLOGIES, INC., a Delaware
corporation, and ADEPT PLASTIC
FINISHING, INC., a Michigan corporation,
d/b/a Tribar Wixom Operations.

Defendants.

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There is no other pending or resolved civil action arising
out of the transaction or occurrence alleged in the complaint.

COMPLAINT

Plaintiffs, the People of the State of Michigan and the Michigan Department
of Environment, Great Lakes, and Energy (EGLE), by and through their attorney,
Elizabeth Morrisseau, Assistant Attorney General, states as follows:

NATURE OF THE CASE

1. This is a civil action for injunctive relief to require Defendants, Tribar Technologies, Inc. and Adept Plastic Finishing, Inc., doing business as Tribar Wixom Operations (collectively, Defendants) to comply with the Natural Resources and Environmental Protection Act (NREPA), MCL 324.101, *et seq.*, more particularly, Part 31, Water Resources Protection, MCL 324.3101, *et seq.* (Water Resources Protection Part), and Part 55, Air Pollution Control, MCL 324.5501, *et seq.* (Air Pollution Control Part), the administrative rules promulgated under the Water Resources Protection Part and the Air Pollution Control Part, and the permits issued to them by EGLE under the Water Resources Protection Part and the Air Pollution Control Part. The People of the State of Michigan also ask this Court to order Defendant to abate the public common law nuisance caused by discharging contaminants to waters of the state. In addition, Plaintiff EGLE seeks civil fines, attorney fees, costs of surveillance and enforcement, and other costs.

2. This is also an action to restrain Defendant Tribar Technologies, Inc. from transacting business in this state out of compliance with the Business Corporation Act and seeking civil fines and costs under the Business Corporation Act.

JURISDICTION AND VENUE

3. This Court has jurisdiction over the subject matter of this action under Section 3115(1) of NREPA, MCL 324.3115(1), Section 5530(5) of the NREPA, MCL 324.5530(5), and Section 605 of the Revised Judicature Act (RJA), MCL 600.605.

4. This Court has personal jurisdiction over Defendants under Section 711 of the RJA, MCL 600.711.

5. Venue is appropriate in this Court, and this Court has jurisdiction, because this action is “brought by the attorney general in the name of the state or of the people of the state, for the use and benefit thereof” so it is “as though the cause of action arose in” Ingham County. MCL 14.102, see also MCL 600.1631.

6. Venue in this Court is proper under Sections 3115(1) and 5530(5) of NREPA, MCL 324.3115(1), MCL 324.5530(5).

PARTIES

7. EGLE is the state department mandated to provide for the protection of natural resources of the state from pollution, impairment, and destruction. MCL 324.301; MCL 324.501; Executive Order 2019-02. By Executive Order 2019-06, the former Michigan Department of Environmental Quality (DEQ) was renamed as EGLE. *Id.* To avoid confusion, this Complaint only refers to EGLE, even when describing actions taken when the agency was still named DEQ.

8. Plaintiff the People of the State of Michigan is represented by Attorney General Dana Nessel. The Attorney General is Michigan’s chief law enforcement officer and is authorized to bring this action on behalf of the People of the State of Michigan pursuant to MCL 14.28. In this capacity, she has the authority to seek the imposition of fines upon entities that transact business in Michigan without a certificate of authority, and to request an injunction against the operation of such a business. MCL 450.2011, MCL 450.2055.

9. Defendant Tribar Technologies, Inc., is a Delaware corporation that owns and operates seven manufacturing facilities located in the City of Wixom, Oakland County, Michigan, and the City of Howell, Livingston County, Michigan.

10. Tribar Technologies, Inc. is not registered to conduct business in the State of Michigan.

11. Adept Plastic Finishing, Inc., is a Michigan corporation that is also registered to do business under the assumed name, Tribar Wixom Operations, and which conducts business in the City of Wixom, Oakland County, Michigan.

STATUTORY, REGULATORY, AND PERMITTING BACKGROUND

The Water Resources Protection Part

12. Michigan enacted the Water Resources Protection Part to protect and conserve the water resources of the State and to control pollution of surface and underground waters of the State and the Great Lakes.

13. Under the Water Resources Protection Part, the “[D]epartment shall take all appropriate steps to prevent any pollution the department considers to be unreasonable and against public interest in view of the existing conditions in any lake, river, stream, or other waters of the state.” MCL 324.3106.

14. Section 3109 of NREPA, MCL 324.3109, prohibits unpermitted discharges of injurious substances as follows:

(1) A person shall not directly or indirectly discharge into the waters of the state a substance that is or may become injurious to any of the following:

(a) To the public health, safety or welfare.

(b) To domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of such waters.

(c) To the value or utility of riparian lands.

(d) To livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation.

(e) To the value of fish and game.

15. Violations of MCL 324.3109 are “prima facie” public nuisances that the Michigan Attorney General may seek to abate in a court of competent jurisdiction. MCL 324.3109(6).

16. A public nuisance is “an unreasonable interference with a common right enjoyed by the general public.” *Capitol Properties Group, LLC v 1247 Center Street, LLC*, 283 Mich App 411, 427 (2009) (internal citation omitted.).

“Unreasonable interference” is conduct that: “(1) significantly interferes with the public’s health, safety, peace, comfort, or convenience, (2) is proscribed by law, or (3) is known or should have been known by the actor to be of a continuing nature that produces permanent or long-lasting, significant effect on these rights.” *Id.* at 427–28.

17. Under the Water Resources Protection Part, a person shall not discharge any injurious substance into the waters of the state unless the person is in possession of a valid permit from EGLE. MCL 324.3112(1).

18. “Waters of the state,” includes all “groundwaters, lakes, rivers, and streams and all other watercourses and waters, including the Great Lakes, within the jurisdiction of this state.” MCL 324.3101(aa).

19. “Waste” is defined to mean “any waste, wastewater, waste effluent, or pollutant that is discharged into water.” Mich Admin Code, R 323.2104(iv).

20. Congress created the Clean Water Act to “restore and maintain the chemical, physical, and biological integrity of the Nation’s waters.” 33 USC 1251(a).

21. The Clean Water Act establishes a system of cooperative federalism that “recognize[s], preserve[s], and protect[s] the primary responsibilities and rights of States to prevent, reduce, and eliminate pollution, to plan the development and use (including restoration, preservation, and enhancement) of land and water resources.” 33 USC 1251(b).

22. A cornerstone of the Clean Water Act is the National Pollutant Discharge Elimination System (NPDES) program, which is a point source discharge permitting program that controls and limits the discharge of pollutants from point sources into surface waters. See 33 USC 1342(a)(1). The Clean Water Act establishes requirements for NPDES permits, including that they contain discharge limits necessary to meet state and federal water quality standards. *Id.*

23. As is relevant here, the manner of conveyance from which Defendants discharge substances to surface water falls within the definition of a point source, under the Clean Water Act, 33 USC 1362(14), and, to operate, must be covered under, and comply with the terms of, an NPDES permit. 33 USC 1311; see also 33 USC 1362.

24. Under the Clean Water Act, the United States Environmental Protection Agency (EPA) can approve state NPDES permitting programs for states

that have sufficient standards and resources. 33 USC 1342(b); *Michigan Farm Bureau v Dep't of Env'tl Qual*, 292 Mich App 106, 110 (2011).

25. In 1973, the EPA authorized Michigan to implement the NPDES permitting program in lieu of the EPA. *Mich Farm Bureau*, 292 Mich App at 110.

26. Thus, permits issued under Part 31 of the NREPA are state permits that meet federal NPDES permitting requirements.

27. Each NPDES permit issued by EGLE contains effluent limitations on discharges to protect water quality and to meet federally mandated treatment standards.

28. A person who discharges substances that are or may become injurious to waters of the state is subject to potential civil and criminal penalties available under the Water Resources Protection Part. MCL 324.3109; MCL 324.3115.

Water Resources Protection Part Water Quality Standards

29. The Part 4 Rules, Mich Admin Code, R 324.1041 *et seq.* (Part 4 Rules), are among the rules EGLE promulgated under the Water Resources Protection Part to protect Michigan's water resources. Mich Admin Code, R 323.1041.

30. The Part 4 Rules protect designated uses for the surface waters of Michigan as follows:

(1) At a minimum, all surface waters of the state are designated and protected for all of the following uses:

- (a) Agriculture.
- (b) Navigation.

- (c) Industrial water supply.
- (d) Warmwater fishery.
- (e) Other indigenous aquatic life and wildlife.
- (f) Partial body contact recreation.
- (g) Fish consumption.

(2) All surface waters of the state are designated and protected for total body contact recreation from May 1 to October 31 in accordance with the provisions of R 323.1062. Total body contact recreation immediately downstream of wastewater discharges, areas of significant urban runoff, combined sewer overflows, and areas influenced by certain agricultural practices is contrary to prudent public health and safety practices, even though water quality standards may be met...

(8) All surface waters of the state that are identified in the publication "Public Water Supply Intakes in Michigan," dated December 9, 1999, are designated and protected as public water supply sources at the point of water intake and in such contiguous areas as the department may determine necessary for assured protection. In addition, all Michigan waters of the Great Lakes and connecting waters shall meet the human cancer and human noncancer values for drinking water established pursuant to R 323.1057(4). [Mich Admin Code, R 323.1100(1), (2), (8).]

31. Rule 57 of the Part 4 Rules is a narrative standard that contains a prescriptive methodology used to calculate water quality values for toxic substances. See generally Mich Admin Code, R 323.1057.

32. Perfluorooctane sulfonate (PFOS) is a toxic substance.

33. PFOS is a bioaccumulative chemical compound that builds up over time in the blood and organs of humans.

34. Exposure to PFOS can result in adverse health effects, including increased risk of cancers, increased cholesterol levels, reproductive impacts, and developmental delays.

35. Based on the prescriptive methodology laid out in Rule 57 of the Part 4 Rules, the water quality value for PFOS in surface water is 12 nanograms per liter (ng/L) at Plant 4 and 11 ng/L at Plant 5.

Water Resources Protection Part Spill Rules

36. The Part 5 Rules, Mich Admin Code, R 324.2001 *et seq.* (Part 5 Rules), are also among the rules EGLE promulgated under the Water Resources Protection Part to protect Michigan's water resources. The Part 5 Rules address the prevention of the spillage of oil and other polluting materials.

37. Relevant here, chromium compounds, nickel, copper, and phosphorus are "polluting materials" subject to the threshold management quantity (TMQ) of 440 pounds for an outdoor storage location and 2,200 pounds for an indoor storage location. See Mich Admin Code, R 324.2002(a)(iii) and (f)(iv), R 324.2009.

38. Rule 6 of the Part 5 Rules, Mich Admin Code, R 324.2006(1) provides that, except under limited exceptions:

the owner or operator of any on-land facility that receives, uses, processes, manufactures, stores, or ships polluting materials in excess of the applicable threshold management quantity shall develop, maintain, and operate in accordance with, a pollution incident prevention plan. At a minimum, the pollution incident prevention plan shall include [specified] information... [Mich Admin Code, R 324.2006(1).]

39. Rule 6 further requires that such plans be maintained at the facility available for inspection upon EGLE's request. Mich Admin Code, R 324.2006(2).

40. Rule 6 further requires that such plans be evaluated every three years, or after any release requiring implementation of the plan, whichever is more frequent. Mich Admin Code, R 324.2006(4).

41. Rule 6 further provides that subject facilities certify compliance with the Part 5 rules. *Id.*

Water Resources Protection Part Wastewater Permitting Rules

42. The Part 21 Rules, Mich Admin Code, R 323.2101 *et seq.* (Part 21 Rules), are also among the rules promulgated under the Water Resources Protection Part to protect Michigan's water resources and address permits for the discharge of wastewater directly or indirectly to the waters of the State.

43. Among other things, the Part 21 rules establish a framework for obtaining permit authorization for stormwater discharges associated with specified industrial activity. Mich Admin Code, R 323.2161(1)(a).

44. Under that framework, all facilities with a standard industrial classification code of 3089 or 3471 whose stormwater discharges to waters of the state and that involve industrial materials or industrial activities exposed to precipitation must obtain an industrial stormwater discharge permit. Mich Admin Code R 323.2104(u), Mich Admin Code, R 323.2161(1)(a).

45. Facilities can also apply to EGLE for certification that they are conditionally excluded from stormwater permitting requirements, so long as "there

is no exposure of industrial materials and activities to rain, snow, snowmelt, or runoff, or any combination[.]” Mich Admin Code, R 323.2161(1)(a).

46. According to EGLE guidance, particulate emissions from roof stacks and vents do not cause a condition of exposure so long as they comply with other applicable environmental protection programs, including air pollution control programs, and also do not cause stormwater contamination. Deposits of particles or residuals from roof stacks and vents that are not otherwise regulated by can become mobilized by stormwater are considered exposed.

47. Facilities must submit new certification forms every five years to qualify for continuing conditional exclusion. Mich Admin Code, R 323.2161(1)(a).

Water Resources Protection Part Pretreatment Rules

48. The Part 23 Rules, Mich Admin Code, R 323.2301 *et seq.* (Part 23 Rules), are also among the rules promulgated under the Water Resources Protection Part to implement the pretreatment responsibilities under the federal Clean Water Act, 33 USC 1251 *et seq.*, and under Part 31.

49. The Part 23 Rules:

establish responsibilities of state and local government, industry and the public to control pollutants which pass-through or interfere with treatment processes in publicly owned treatment works, which may contaminate sewage sludge, or which cause publicly owned treatment works’ worker health and safety problems. [Mich Admin Code, R 323.2301(1)].

50. The Part 23 Rules apply to:

nondomestic users that discharge pollutants to a publicly owned treatment works.... and to the publicly owned treatment works, such as Defendant, that receive pollutants from nondomestic users which

are subject to pretreatment standards. [Mich Admin Code, R 323.2301(2)].

51. Rule 3 of the Part 23 Rules prohibits nondomestic users from introducing any pollutant that causes pass-through or interference into any publicly owned treatment works. Mich Admin Code, R 323.2303(1).

52. Under Rule 3 of the Part 23 Rules, the control authority is responsible for investigating instances of pass-through or interference and to take appropriate enforcement actions. Mich Admin Code, R 323.2303(1).

53. Further, Rule 3 of the Part 23 Rules expressly prohibits nondomestic users from discharging to publicly owned treatment works "any pollutant, including oxygen-demanding pollutants, released in a discharge or at a flow rate or pollutant concentration that will cause interference with the publicly owned treatment works." Mich Admin Code, R 323.2303(2)(d).

54. Rule 6 of the Part 23 Rules, Mich Admin Code, R 323.2306(a), requires that a publicly owned treatment works (POTW) that accepts pollutants from nondomestic users include certain specified provisions in its interjurisdictional agreements that allow the POTW to implement and enforce the Michigan Industrial Pretreatment Program.

Defendants' Authorization To Discharge Industrial Stormwater

55. MIS410000 is a general permit for industrial stormwater discharges that EGLE uses, via issuing certificates of coverage (COC), to authorize discharges of industrial stormwater. (Exhibit A, ISW General Permit.)

56. The ISW General Permit expressly states that “discharges that may cause or contribute to a violation of a water quality standard are not authorized by this permit.” (*Id.* at 1.)

57. Among other things, the ISW General Permit requires permittees to develop stormwater pollution prevention plans, which include written procedures that permittees follow to minimize the amount of industrial material exposed to stormwater. (*Id.* at 6.)

58. A stormwater pollution prevention plan is a written plan that “identifies sources of significant materials associated with industrial activity” and further “includes procedures intended to reduce the exposure of significant materials to stormwater.” (*Id.*)

59. One of the effluent limitations contained within the ISW General Permit is that the permittee shall implement an acceptable stormwater pollution prevention plan. (*Id.* at 5.)

60. Under the ISW General Permit, “bioaccumulative chemicals of concern” includes PFOS. (See *id.* at 17.)

61. The ISW General Permit also prohibits permittees from doing anything that would result in degradation of water quality by increased loading of bioaccumulative chemicals of concern. (*Id.* at 31.)

62. The ISW General Permit also establishes reporting requirements for permittees to communicate certain information to EGLE to ensure that the agency can, among other things, respond quickly and appropriately in emergencies and be

aware of atypical and potentially harmful discharges to waters of the state. (*Id.* at 27–32.)

63. Coverage under the ISW General Permit may only be terminated by EGLE. (*Id.* at 15.)

64. Permittees may only seek termination of coverage under the ISW General Permit when either of the following requirements are satisfied: (1) “all stormwater discharges authorized under the permit are eliminated” or (2) “industrial activity has ceased, and no significant materials are exposed to stormwater.” (*Id.*)

65. Plants 1, 2, 3, and 4 are subject to the terms of the ISW General Permit under COCs MIS410672, MIS410870, MIS410870, MIS410672.

66. For Plant 4, the water quality value for PFOS is 12 nanograms per liter (ng/L).

67. Plant 5 was conditionally excluded from industrial stormwater permitting under NEC186790 from August 11, 2017 until August 11, 2022, when that certification expired.

68. From April 24, 2023 through present, Plant 5 has again been conditionally excluded from industrial stormwater permitting under NEC187458.

Air Pollution Control Laws

69. The Michigan Legislature enacted the Air Pollution Control Part to control air pollution and to protect and promote the public health. The Part states

that EGLE shall promulgate rules for the purposes of, among other things, complying with the federal Clean Air Act, 42 USC 7401, *et seq.* MCL 324.5512.

70. The Air Pollution Control Part contains the following definitions relevant to this action:

- a. "Air contaminant" means a dust, fume, gas, mist, odor, smoke, vapor, or any combination thereof. [MCL 324.5501(a)];
- b. "Air pollution" means the presence in the outdoor atmosphere of air contaminants in quantities, of characteristics, under conditions and circumstances, and of a duration that are or can become injurious to human health or welfare, to animal life, to plant life, or to property, or that interfere with the enjoyment of life and property in this state[.] [MCL 324.5501(b)];
- c. "Air pollution control equipment" means any method, process, or equipment that removes, reduces, or renders less noxious air contaminants discharged into the atmosphere. [MCL 324.5501(c)];
- d. "Process" unless the context requires a different meaning, means an action, operation, or a series of actions or operations at a source that emits or has the potential to emit an air contaminant. [MCL 324.5501(u)];
- e. "Process equipment" means all equipment, devices, and auxiliary components, including air pollution control equipment, stacks, and other emission points, used in a process. [MCL 324.5501(v)]; and
- f. "Source" means a stationary source as defined in 42 USC 7602, and has the same meaning as stationary source when used in comparable or applicable circumstances under the clean air act. A source includes all the processes and process equipment under common control that are located within a contiguous area, or a smaller group of processes and process equipment as requested by the owner or operator of the source, if in accordance with the clean air act. [MCL 324.5501(y)].

71. Part 55 states that EGLE shall promulgate rules for the purposes of, among other things, complying with the federal Clean Air Act, 42 USC 7401, *et seq.* MCL 324.5512.

72. Among other things, the rules promulgated under this authority include the following definition:

- a. "Potential to emit" means the maximum capacity of a stationary source to emit an air contaminant under its physical and operational design. Any physical or operational limit on the capacity of the stationary source to emit an air contaminant, including air pollution control equipment and restrictions on the hours of operation or the type or amount of material combusted, stored, or processed, shall be treated as part of its design only if the limit, or the effect it would have on emissions, is legally enforceable. Secondary emissions shall not count in determining the "potential to emit" of a stationary source. For hazardous air pollutants that have been listed pursuant to Section 112(b) of the clean air act, quantifiable fugitive emissions shall be included in determining the potential to emit of any stationary source[.] [Mich Admin Code, R 336.1116(n)].

Air Pollution Control Part Rules

73. Under rules promulgated under the Air Pollution Control Part, all industrial sources must submit annual emissions reporting contained information specified by EGLE, including "factors deemed necessary by [EGLE] to reasonably estimate quantities of air contaminant discharges and their significance." These annual reports are due March 15 of the year following notification. Mich Admin Code, R 336.202.

74. The Part 2 Rules, Mich Admin Code, R 336.1201 *et seq.*, Air Use Approval, are also among the rules promulgated under the Air Pollution Control

Part to protect Michigan's air resources and address permits for the discharge of air contaminants to the ambient air.

75. Broadly speaking, the Part 2 Rules establish requirements for sources to obtain permits to discharge air contaminants into the air.

76. Rule 205 of the Part 2 rules explains the requirements for emission limits that must be contained within each permit to install (PTI) for major sources. Mich Admin Code, R 336.1205.

77. Rule 205 of the Part 2 Rules also explains that EGLE may issue a PTI with limitations to restrict a stationary source's potential to emit to a quantity below that which would otherwise constitute a major source or major modification. Mich Admin Code, R 336.1205(3).

78. Rule 224 of the Part 2 rules explains that subject sources may not emit toxic air contaminants in excess of the maximum allowable emission rate based on the application of the best available control technology for toxics, with limited exceptions. Mich Admin Code, R 336.1224.

79. Rule 225 explains that subject sources may not emit toxic air contaminants over rates that are predicted to result in ambient impacts greater than specified screening levels. Mich Admin Code, R 336.1225.

80. The Part 7 Rules, Mich Admin Code, R 336.1701 *et seq.*, Emission Limitations and Prohibitions – New Sources of Volatile Organic Compound Emissions, are also among the rules promulgated under the Air Pollution Control

Part to protect Michigan's air resources and address permits for the discharge of air contaminants to the ambient air.

81. Rule 702 of the Part 7 Rules establishes general requirements for new sources of volatile organic compounds. Mich Admin Code, R 336.1702; see also Mich Admin Code, R 336.1701 (definition of "new source" for Part 7.)

82. Rule 702 states in full:

A person who is responsible for any new source of volatile organic compound emissions shall not cause or allow the emission of volatile organic compound emissions from the new source in excess of the lowest maximum allowable emission rate of the following:

- (a) The maximum allowable emission rate listed by the department on its own initiative or based upon the application of the best available control technology.
- (b) The maximum allowable emission rate specified by a new source performance standard promulgated by the United States environmental protection agency under authority enacted by title I, part A, section 111 of the clean air act, as amended, 42 U.S.C. §7413.
- (c) The maximum allowable emission rate specified as a condition of a permit to install or a permit to operate.
- (d) The maximum allowable emission rate specified in part 6 of these rules which would otherwise be applicable to the new source except for the date that the process or process equipment was placed into operation or for which an application for a permit to install, under the provisions of part 2 of these rules, was made to the department. If the part 6 allowable emission rate provides for a future compliance date, then the future compliance date shall also be applicable to a new source pursuant to this subdivision.

83. Rule 707 of the Part 7 Rules establishes requirements for operating cold cleaners to minimize air contaminants to the air. Mich Admin Code, R 336.1707.

84. In particular, Rule 707 states that it is unlawful to operate a new cold cleaner unless, among other things: a cover is installed, and that cover is closed whenever parts are not being handled in the cleaner. Mich Admin Code, R 336.1707(3)(a).

85. The Part 9 Rules, Mich Admin Code, R 336.1901 *et seq.*, Emission Limitations and Prohibitions – Miscellaneous, are also among the rules promulgated under the Air Pollution Control Part to protect Michigan's air resources and address permits for the discharge of air contaminants to the ambient air.

86. Rule 901 of the Part 9 Rules states in full:

Notwithstanding the provisions of any other rule, a person shall not cause or permit the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, either of the following:

(a) Injurious effects to human health or safety, animal life, plant life of significant economic value, or property.

(b) Unreasonable interference with the comfortable enjoyment of life and property. [Mich Admin Code, R 336.1901.]

87. Rule 902 of the Part 9 Rules incorporates by reference specified federal regulations, including 40 CFR Part 63, Subparts A and N. Mich Admin Code, R 336.1902(1)(i); see also Mich Admin Code, R 336.1943 (clarifying that references in 40 CFR Part 63, Subpart A to "administrator" and "EPA" mean EGLE) and Mich

Admin Code, R 336.1941 (clarifying that references in 40 CFR Part 63, Subpart N to “administrator” and “EPA” mean EGLE).

88. 40 CFR 63.347(h), which is included in 40 CFR Part 63, Subpart A, establishes annual reporting requirements for affected area sources.

89. 40 CFR Part 63, Subpart N establishes emission standards for chromium emissions from hard and decorative chromium electroplating and chromium anodizing tanks.

90. Rule 910 of the Part 9 Rules states in full, “An air-cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law.” Mich Admin Code, R 336.1910.

91. Rule 941 of the Part 9 Rules adopts by reference the provisions of 40 CFR Part 63, subpart N, specifying that the terms “administrator” and “EPA” as used in the incorporated federal matter mean EGLE. Mich Admin Code, R 336.1941.

92. Rule 943 of the Part 9 Rules adopts by reference the provisions of 40 CFR Part 63, subpart A, specifying that the terms “administrator” and “EPA” as used in the incorporated federal matter refer to EGLE instead. Mich Admin Code, R 336.1943.

Defendants’ Permits to Install

93. EGLE issued multiple Permits to Install (PTI) under the Air Pollution Control Part to Defendants to regulate their discharges of air pollution into the ambient air.

94. PTI 274-98A, issued on March 28, 2001 to Defendant Adept Plastic Finishing, Inc. regarding Plant 1, contains, among other things, the following requirements:

- a. Special Condition 1 establishes emission limits for individual hazardous air pollutants (HAPs), in accordance with Mich Admin Code, R 336.1205(3). This limit is to restrict the potential to emit below the major source threshold for individual hazardous air pollutants (HAPs);
- b. Special Condition 2 establishes emission limits for aggregate HAPs, in accordance with Mich Admin Code, R 336.1205(3). This limit is to restrict the potential to emit below the major source threshold for aggregate HAPs;
- c. Special Conditions 3–11 establish different emission limits of volatile organic compounds, in accordance with Mich Admin Code, R 336.1205, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), Mich Admin Code, R 336.1702(d), and Mich Admin Code, R 336.1901. Those conditions have been set to restrict volatile organic compounds (VOCs) emissions due to following reasons: i) to restrict the potential to emit below the major source threshold, ii) to restrict the emissions not in excess of the lowest maximum allowable emission rate, iii) to restrict toxic air contaminants below rates that are predicted to result in ambient impacts if exceeding specified screening levels, iv) to restrict emissions that could cause Rule 901 violations.
- d. Special Condition 21(a) also requires the facility to keep hours of operation for each individual coating booth to be able to properly calculate hourly emission limits for volatile organic compounds, in accordance with Mich Admin Code, R 336.1225 and Mich Admin Code, R 336.1901;
- e. Special Conditions 6 and 7 establish volatile organic compound emission daily limits for interior prime coatings and exterior base coatings. Special condition 21 requires the daily emission calculation averaged based on the amounts of each types of coatings used per day, in accordance with Mich Admin Code, R 336.1702(d);

- f. Special Condition 8 establishes a daily volatile organic compound limit, in the form of a volume-weighted average, for the air-dried basecoat interior/exterior plastic parts coating (non-red/black), in accordance with Mich Admin Code, R 336.1702(d). The condition has been set to restrict volatile organic compounds emissions not in excess of the lowest maximum allowable emission rate;
- g. Special Condition 9 establishes a daily volatile organic compound limit, in the form of a volume-weighted average, for the air-dried clearcoat interior/exterior plastic parts coating, in accordance with Mich Admin Code, R 336.1702(d). The condition has been set to restrict volatile organic compounds emissions not in excess of the lowest maximum allowable emission rate;
- h. Special Condition 12 establishes a material limit for the usage of diethylene glycol monobutyl ether per 24-hour calendar day, in accordance with Mich Admin Code, R 336.1225 and Mich Admin Code, R 336.1901. The condition has been set to restrict volatile organic compounds emissions due to the following reasons: i) to restrict toxic air contaminants below rates that are predicted to result in ambient impacts if exceeding specified screening levels, and ii) to restrict emissions that could cause Rule 901 violations;
- i. Special Condition 14 prohibits the facility from exceeding 194° F when curing air-dried automotive coatings, in accordance with Mich Admin Code, R 336.1205, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), and Mich Admin Code, R 336.1901;
- j. Special Condition 18 requires the facility to maintain cure oven temperature records, in accordance with Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), and Mich Admin Code, R 336.1910;
- k. In order to demonstrate compliance with the Special Conditions 1 & 2:
 - i. Special Condition 20.a requires the company to keep a monthly record of (1) how many gallons of each HAP-containing material was used at the facility, and (2) the HAP content in pounds per gallon of each material, in accordance with Mich Admin Code, R 336.1205(3).
 - ii. Special Condition 20.b requires the company to keep a monthly record of all individual and aggregate HAP emission

calculations to determine the monthly emission rate in tons per month and the 12-month rolling average emission rate in tons per year, in accordance with Mich Admin Code, R 336.1205(3);

- l. In order to demonstrate compliance with the Special Conditions 3 through 11, Special Conditions 21a-e establish specific recordkeeping requirements, in accordance with Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), Mich Admin Code, R 336.1702(d), and Mich Admin Code, R 336.1901.

95. On January 29, 2003, AQD issued PTI 243-02 to Defendant Adept Plastic Finishing, Inc. regarding Plant 3.

96. Among other things, PTI 243-02 establishes requirements for EU-COATINGLINE process, which is the plastic parts coating line equipped with a non-fugitive enclosure and controlled by a zeolite concentrator and catalytic oxidizer. The coating line consists of a primer booth, two topcoat (basecoat and clearcoat) booths, two flash off tunnels, a natural gas fired bake oven, and purge and cleanup activities.

97. PTI 243-02 contains, among other things, the following requirements:

- a. Special Condition 1.7 states that no portion of the emission unit associated with the coating line (EU-COATINGLINE) shall be operated unless the zeolite concentrator and catalytic oxidizer are both installed, maintained, and operated in a satisfactory manner, including a minimum catalyst bed inlet temperature of 550°F, in accordance with Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702, and Mich Admin Code, R 336.1910.

98. On November 1, 2018, EGLE issued PTI 115-07B to Defendant Adept Plastic Finishing, Inc. regarding Plant 4.

99. Among other things, PTI 115-07B establishes requirements for FGCHROME process, which consists of both the acid etch process and the decorative chrome plating process, which collectively consist of a regeneration tank, tanks 3, 5, 6, 7, and 50. Emissions from tanks 3 and 7 are controlled by a two-stage composite mesh pad. Emissions from the regeneration tank, tanks 5, 6, and 50 are controlled by a three-stage composite mesh pad scrubber system.

100. PTI 115-07B contains, among other things, the following requirements:

- a. Reporting condition VII.1.c explains that annual reports summarizing ongoing compliance status shall be submitted to EGLE by March 15 of each year, in accordance with 40 CFR 63.347(h);
- b. Special condition VI.8 establishes recordkeeping requirements for surface tension tanks 5 and 6, associated with the FGCHROME process, in accordance with Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and 40 CFR Part 63, Subparts A and N;
- c. Special condition VI.9 establishes recordkeeping requirements for surface tension tank 50, associated with the FGCHROME process, in accordance with Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910;
- d. Special condition VI.2 establishes surface tension requirements for tanks 5, 6, and 50, associated with the FGCHROME process, specifying that chemical fume suppressant must be applied in quantities and frequencies necessary to ensure that surface tension does not exceed 55 dynes per centimeter (dynes/cm) at any time during tank operating, in accordance with Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and 40 CFR Part 63, subparts A and N.

101. On October 3, 2016, AQD issued PTI 121-16 issued to Defendant Adept Plastic Finishing, Inc. regarding Plant 5.

102. Among other things, PTI 121-16 establishes requirements for the EUSYSTEM2 process, which consists of the acid etch process and chrome recovery system, which collectively consists of tank 3 (spray cleaner), tank 5 (polycarbonate-acrylonitrile butadiene styrene etch), tank 6 (polycarbonate-acrylonitrile butadiene styrene blend etch), tank 7 (etch dragout), a porous pot tank that works as a closed loop with tanks 5 and 6 and an evaporator that tank 7 overflows to. Emissions from tanks 5 and 6 are controlled with local scrubbers and a fume suppressant.

Emissions from tanks 3 and 7 are controlled by a two-stage composite mesh pad.

Emissions from the evaporator are controlled by a two-stage in-line mist eliminator.

103. PTI 121-16 also establishes requirements for the EUCHROME5 process, which is the decorative chrome process, which consists of tanks 45 (tri-chrome), tank 49 (decorative chrome plating), and tank 50 (chrome dragout)

104. PTI 121-16 also establishes requirements for the FGSYSTEM process, which includes various metal treating tanks, including plating and stripping tanks, that do not contain chromium. This process consists of the nickel plating process, the pre-plate process, the electroless nickel process, and the nitric strip process, which collectively consist of tank 12 (neutralizer), tank 16 (activator pre-dip), tank 17 (activator), tank 21 (accelerator), tank 24 (electroless nickel), tank 28 (copper strike), tanks 30 and 31 (acid copper), tank 37 (semi bright nickel), tank 38 (semi bright nickel), tank 39 (high sulfur), tank 40 (bright nickel), tank 41 (micro porous nickel), tank 60 (chrome strip), and tank 63 (nitric strip). Emissions from tanks 12, 16, 17, 21, 28, 30, and 31 are controlled by a packed bed wet scrubber. Emissions

from tank 24 are also controlled by a packed bed wet scrubber. Emissions from tanks 37, 38, 39, 40, and 41 are controlled by a packed bed wet scrubber and mist eliminator. Emissions from tanks 60 and 63 are controlled by a packed bed wet scrubber, which also controls emissions from the waste treatment area.

105. PTI 121-16 contains, among other things, the following requirements:

- a. Special Condition III.2 requires the facility to maintain a surface tension of 35 dynes at all times during operations, associated with EUSYSTEM2, in accordance with Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910;
- b. Special Condition IV.1 mandates that all process tanks in the FGSYSTEM may only be operated when the associated scrubber system and mist eliminator is installed, maintained, and operating in a satisfactory manner, including that pressure drops are maintained per manufacturer specifications, as reflected in documentation available on-site for AQD site inspector review, in accordance with Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910;
- c. Special Conditions VI.2, VI.3, and VI.4 require certain records related to EUSYSTEM2 to be provided on request, including records of inspections and pressure drop readings on packed bed scrubber and composite mesh pad system, in accordance with Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910;
- d. Special Conditions VI.2 and VI.4 require certain records related to EUCHROME5 to be provided on request, including records of inspections and pressure drop readings on the composite mesh pad system, in accordance with Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and 40 CFR Part 63, Subparts A & N; and
- e. Special Conditions VI.1 and VI.2 requires certain records related to FGSYSTEM to be provided on request, including daily pressure drop readings for each scrubber system, in accordance with Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910.

FACTUAL ALLEGATIONS

106. Discharges of industrial stormwater from Plant 1 reach wetlands located east of Beck Road via a storm sewer system.

107. Those wetlands located east of Beck Road are “waters of the state” within the meaning of MCL 324.3101(aa).

108. Discharges of industrial stormwater from Plant 1 eventually reach the Middle Rouge via county drains.

109. The Middle Rouge is a “water of the state” within the meaning of MCL 324.3101(aa).

110. Discharges of industrial stormwater from Plants 2 and 3 reach the Huron River.

111. The Huron River is a “water of the state” within the meaning of MCL 324.3101(aa).

112. Discharges of industrial stormwater from Plant 4 reach adjacent wetlands, which are “waters of the state” within the meaning of MCL 324.3101(aa).

113. Discharges of industrial stormwater from Plant 5 reach the Congdon Drain.

114. Congdon Drain, which leads to the Huron River via Norton Creek, is a “water of the state” within the meaning of MCL 324.3101(aa).

115. Norton Creek is a “water of the state” within the meaning of MCL 324.3101(aa).

116. Defendants are each a “person” within the meaning of MCL 324.3101(h) and Mich Admin Code, R 323.2104(b).

117. Plant 1 is the facility located at 30517 Andersen Court in Wixom, MI, currently not operating, where Defendant Adept Plastic Finishing, Inc. previously coated plastic parts, AQD State Registration Number (SRN) N1581, currently subject to COC MIS410675 and previously subject to PTI 274-98A.

118. Plant 1 is an "affected area source" under 40 CFR 63.347(h)(1).

119. Plant 1 is subject to 40 CFR Part 63, Subpart N.

120. Plant 2 is the facility located at 29835 Beck Road in Wixom MI, where Defendant Tribar Technologies, Inc. produces molded plastic parts, currently subject to COC MIS410870.

121. Plant 2 is an "affected area source" under 40 CFR 63.347(h)(1).

122. Plant 2 is subject to 40 CFR Part 63, Subpart N.

123. Plant 3 is the facility located at 29883/29895 Beck Road in Wixom, MI, SRN N7809, where Defendant Tribar Technologies, Inc. coats plastic parts, currently subject to COC MIS410870 and PTI 243-02.

124. Plant 3 is an "affected area source" under 40 CFR 63.347(h)(1).

125. Plant 3 is subject to 40 CFR Part 63, Subpart N.

126. Plant 4 is the facility located at 30540 Beck Road in Wixom, MI, SRN N7809, currently not operating, where Defendant Adept Plastic Finishing, Inc. produced metal-plated plastic parts, currently subject to COC MIS410672 and PTI 115-07B.

127. Plant 4 is an "affected area source" under 40 CFR 63.347(h)(1).

128. Plant 4 is subject to 40 CFR Part 63, Subpart N.

129. Plant 4 is a "nondomestic user" under Mich Admin Code, R 323.2302(s).

130. Plant 4 is a "categorical industrial user" under Mich Admin Code, R 323.2302(f) because chrome plating activities are subject to categorical pretreatment standards under 40 CFR 433.17. See also Mich Admin Code, R 323.2302(g).

131. Plant 5 is the facility located at 48668 Alpha Drive in Wixom, MI, SRN P0727, currently not operating, where Defendants produced metal plated plastic parts, currently subject to NEC187458 and PTI 121-16.

132. Plant 5 is an "affected area source" under 40 CFR 63.347(h)(1).

133. Plant 5 is subject to 40 CFR Part 63, Subpart N.

134. Plant 5 is subject to the Part 5 Rules because it exceeds the TMQ for the following "polluting materials," within the meaning of Mich Admin Code, R 324.2002(a): chromium compounds, nickel, copper, and phosphorus.

135. Plant 5 is a "nondomestic user" under Mich Admin Code, R 323.2302(s).

136. Plant 5 is a "categorical industrial user" under Mich Admin Code, R 323.2302(f) because chrome plating activities are subject to categorical pretreatment standards under 40 CFR 433.17. See also Mich Admin Code, R 323.2302(g)

Hexavalent Chromium Release From Plant 5

137. Hexavalent chromium is a known carcinogen that can cause adverse health impacts through ingestion, skin contact, or inhalation.

138. Total chromium is a measure of all chromium in a tested sample, representing all forms of chromium, including both hexavalent chromium and trivalent chromium. Trivalent chromium is less toxic than hexavalent chromium and is an essential trace element for humans.

139. Plant 5 is a nondomestic user and categorial industrial user that discharges its wastewater to the Wixom wastewater treatment plant through the sanitary sewer.

140. The Wixom wastewater treatment plant, in turn, is authorized to discharge treated wastewater to the Huron River via Norton Creek.

141. Defendants are not authorized to discharge hexavalent chromium or total chromium to the Wixom wastewater treatment plant. Instead, Defendants must pretreat the wastewater, in part by chemical precipitation and resin exchange which reduces the concentration of these pollutants to acceptable levels determined by the Wixom wastewater treatment plant filtering out some of these pollutants.

142. On July 23, 2022, Plant 5 had accumulated approximately 15,000 gallons of untreated wastewater containing high concentrations of hexavalent chromium in tank B.

143. During the week beginning July 25, 2022, Plant 5 employees attempted to treat the wastewater from the tank B holding tank, but it still contained high concentrations of hexavalent chromium by the end of that week.

144. On July 29, 2022, Plant 5 reported a discharge of approximately 10,000 gallons of chromic acid etch material containing approximately 5% total chromium into the sanitary sewer as a slug discharge, in violation of, among other things, Mich Admin Code, R 323.2303 of the Part 23 Rules, as well as the industrial discharge permit issued by the Wixom wastewater treatment plant.

145. The July 29, 2022, release activated wastewater treatment system alarms at Plant 5, indicating that it required further treatment before it could be discharged to the sanitary sewer, ultimately to the Wixom wastewater treatment plant.

146. The Plant 5 employee disabled approximately 460 alarms related to this illicit discharge of untreated wastewater instead of taking efforts to stop the discharge.

147. This release occurred due to the company's criminal failure to supervise its employees, in particular the one Plant 5 employee who had been found asleep at work and smelling of alcohol. See, *United States v Tribar Technologies, Inc*, E.D. Mich Docket No. 2:24-CR-20552.

148. Two days after the release occurred, on August 1, 2022, EGLE received reports through its Pollution Emergency Alerting System (PEAS) about the release.

149. Tribar Technologies, Inc. claimed in writing that it had reported the discharge by 8:30 AM to the wastewater treatment plant on August 1, 2022, but it did not report the discharge of untreated wastewater until after noon that day, specifically 12:23 pm.

150. By that morning, staff at the Wixom wastewater treatment plant also observed an abnormally low pH reading and blue tint in the wastewater coming into the plant.

151. That day, the Wixom wastewater treatment plant diverted up to 1,500,000 gallons of wastewater to prevent any further discharge of wastewater from Tribar. Wixom wastewater treatment plant was also able to store additional solids. By then, 13.8 pounds of total chromium had already been discharged to Norton Creek. An additional 0.2 pounds was discharged the following day.

152. Wixom wastewater treatment plant prevented an additional 275 pounds of total chromium from being discharged through its fast acting.

153. Wixom wastewater treatment plant treated the 1,500,000 gallons of diverted wastewater by running it through secondary clarifiers to remove solids and removed those and other diverted solids for disposal at a landfill after performing standard waste characterization and testing.

154. Because Tribar Technologies, Inc. uses granular activated carbon (GAC) as part of overall treatment of industrial wastewater, some of the hexavalent chromium was bound by the GAC and was prevented from being released to the Wixom wastewater treatment plant.

155. The original release was reported to be 8,000 pounds of hexavalent chromium to Norton Creek, was later revised to be 4,170 pounds of hexavalent chromium, but based on analytical data collected by EGLE and provided by the

Wixom wastewater treatment plant, EGLE determined by August 12, 2022 that the release to surface waters was only 14 pounds of total chromium.

156. WRD performed water quality testing in the watershed and all but three of the 144 initial tests came back with nondetectable levels of hexavalent chromium.

157. WRD continued to perform assurance monitoring of the Ann Arbor drinking water intake and sediment sampling for chromium downstream of the Wixom wastewater treatment plant discharge point.

158. WRD issued one violation notice and one follow-up second violation notice related to this release. (Exhibits B and C.) The release was so egregious that the first violation notice was titled as a second violation notice to reflect the severity.

159. WRD spent \$73,190 in sampling costs in response to this release.

160. WRD spent \$90,080.98 in enforcement costs specific to this release.

Part 5 Rules Violations at Plant 5

161. Plant 5 is subject to the Part 5 Rules because chromium compounds, nickel, copper, and phosphorous are each “polluting matter” within the meaning of Mich Admin Code, R 324.2002(a) and the quantity of the polluting materials are stored in excess of the threshold management quantities.

162. On February 27, 2023, during a site inspection, WRD requested a copy of the company’s Pollution Incident Prevention Plan, which the company is required to have under Mich Admin Code, R 2006.

163. The company failed to timely provide its Pollution Incident Prevention Plan, as required by Mich Admin Code, R 342.2006(2).

164. During a file review, WRD determined that the company had also failed to submit a certification that Plant 5 was in compliance with the Part 5 Rules, as required by Mich Admin Code, R 342.2006(2).

165. On March 30, 2023, WRD issued Violation Notice No. VN-014212 regarding these violations. (Exhibit D.)

Water Resources Protection Part Industrial Stormwater Permitting Violations

166. As of the date of filing, Plants 1, 2, 3, and 4 have not eliminated stormwater discharges authorized under COCs Nos. MIS410672, MIS410675, MIS410870.

167. As of the date of filing, industrial activity has not ceased at Plants 2, 3, and 5.

168. As of the date of filing, significant materials are exposed to stormwater at Plants 2, 3, 4, and 5.

169. As a result, under the terms of the ISW General Permit, as applied to Plants 1, 2, 3, and 4 via COCs Nos. MIS410672, MIS410675, MIS410870, EGLE is not authorized to terminate Defendants' permit coverage.

170. Further, Plant 5 no longer meets the conditions of NEC187458 because of PFOS contamination of stormwater, which is also a bioaccumulative chemical of concern.

171. On May 15, 2018, PFOS was measured at 28,000 parts per trillion (ppt) in Defendants' process wastewater at Plant 4.

172. In October 2018, Defendants installed and began using pretreatment for PFOS at Plant 4.

173. On November 3, 2020, PFOS was measured at 2,700 ppt in Defendants' process wastewater at Plant 5.

174. In October 2021, Defendants installed and began using pretreatment for PFOS at Plant 5.

175. Pretreatment for PFOS removes PFOS from process wastewater but does not remove PFOS from industrial stormwater.

176. WRD issued the following violation notices to Defendants Adept Plastic Finishing, Inc. and/or Tribar Technologies, Inc. for violations of COC MIS410672 at Plant 4:

- a. On October 4, 2018, WRD issued Violation Notice No. VN-008854 to the company regarding (1) the company's failure to develop and implement a satisfactory stormwater pollution prevention plan, in violation of COC MIS410762, and (2) sampling results confirming the presence of PFOS in stormwater at 8,000 ng/L, well over the 12 ng/L water quality value, discharged from the site, in violation of both MCL 324.3109 and COC MIS410762, that led EGLE to direct the company to develop and submit a short term stormwater characterization study. (Exhibit E.) Defendant submitted a response certifying that the SWPP had been updated on January 4, 2019;
- b. On February 18, 2020, WRD issued Compliance Communication CC No. CC-002444 to the company regarding (1) the need to implement control measures to prevent contaminated runoff from discharging to storm sewers and surface water; and (2) water quality data indicating that the facility's stormwater could be causing or contributing to an exceedance of state water quality standards that

led EGLE to direct the company to perform additional stormwater sampling. (Exhibit F);

- c. On September 7, 2021, WRD issued a violation notice to the company regarding the violation of MCL 324.3109 and COC MIS410762 at Outfall 001A confirmed from data collected through the short term stormwater characterization study performed in response to VN No. 008854 showing exceedances of the PFOS water quality value for all 6 sampling locations for a total of 14 samples, ranging from 340 ng/L to 220,000 ng/L, all well over the water quality value of 12 ng/L. (Exhibit G); and
- d. On June 24, 2024, WRD issued a violation notice to the company regarding the violation of MCL 324.3109 and COC MIS410672 at Plant 4 by (1) having industrial materials exposed to stormwater due to poor housekeeping, (2) inaccurate storm water pollution prevention plan, (3) failing to timely submit the stormwater pollution prevention plan annual review report for both 2022 and 2023, and (4) failure to maintain records. (Exhibit H.)

177. WRD issued the following violation notices to Defendants Adept Plastic Finishing, Inc. and Tribar Technologies, Inc. regarding Plants 2 and 3:

- a. On June 24, 2024, WRD issued Violation Notice No. VN-015911 regarding the company's failure to comply with MCL 324.3109 at Plants 2 and 3 by (1) discharging industrial stormwater without permits from each facility; (2) having industrial materials exposed to precipitation and further requiring the company to develop a stormwater pollution prevention plan for each plant. (Exhibit I); and
- b. On October 31, 2024, WRD issued Second Violation Notice No. SVN-01598 regarding the company's failure to implement an acceptable stormwater pollution prevention plan at Plants 2 and 3, in violation of COC No. MIS410870. (Exhibit J.)

178. On March 26, 2025, WRD issued Violation Notice No. VN-016735 to the company after performing wastewater sampling at Plants, 1, 4, and 5, and concluding that (1) stormwater discharged from two locations at Plant 4, specifically an outfall to a stormwater detention pond and also the stormwater detention pond

itself, and three locations at Plant 5 had PFOS over the applicable criteria, ranging from the lowest value of 23.4 ng/L at Plant 5 to the highest value of 88.7 ng/L, all in excess of the water quality value of 12 ng/L at Plant 4 and 11 ng/L at Plant 5, in violation of MCL 324.3109, COC No. MIS410672, and NEC No. NEC187458; (2) levels of chemical oxygen demand present in stormwater discharged from Plant 1 demonstrates stormwater contaminated with wastewater requiring further investigation; and (3) directing the company to perform additional cleanup to ensure that its stormwater discharges will not be injurious to surface water. (Exhibit K.)

Air Pollution Control Part Violations

179. AQD issued the following violation notices to Defendant Adept Plastic Finishing, Inc. for violations of PTI 274-98A at Plant 1:

- a. On July 26, 2021, AQD issued a violation notice regarding the company's failures to (1) meet volatile organic compound limits at the spray coating booth and (2) maintain hours of operations for each individual coating booth to properly verify the hourly emission limit in violation of Special Conditions 6, 7, and 3 of PTI 274-98A, and Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(d), and Mich Admin Code, R 336.1901. (Exhibit L);
- b. On April 7, 2022 AQD issued a violation notice regarding the company's failure to submit emissions data as required by Mich Admin Code, R 336.202 in accordance with PTI 115-07B (Exhibit M);
- c. On August 9, 2022, AQD issued a violation notice regarding the company's failure to (1) show compliance with emission limits, (2) show compliance with material limits, (3) provide records of cure oven temperature, (4) have records of the amount used of HAPs-containing materials, HAP content, or records of individual and aggregate HAP emissions, (5) could not provide records of daily

hours of operation and other usage records, and (6) improper handling of cold cleaners, in violation of Special Conditions 1-11, 12, 18, 20.a, 20.b, 21a-e of PTI 274-98A, Mich Admin Code, R 336.1205, Mich Admin Code, R 335.1205(3), Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), Mich Admin Code, R 336.1702(d), Mich Admin Code, R 336.1707(3)(a), Mich Admin Code, R 336.1901, and Mich Admin Code, R 336.1910. (Exhibit N);

- d. On October 24, 2022, AQD issued a violation notice regarding the company's failures to (1) meet temperature limits at the curing oven and (2) maintain cure oven temperature records in violation of Special Conditions 14 and 18 of PTI 274-98A and Mich Admin Code R, 336.1205, Mich Admin Code R, 336.1225, Mich Admin Code R, 336.1702(a), Mich Admin Code R, 336.1901, and Mich Admin Code, R 336.1910. (Exhibit O); and
- e. On August 4, 2023, AQD issued a violation notice regarding the company's failure to (1) meet four separate emission limits on every reviewed record, (2) continuously monitor temperature since June 23, 2023, and (3) recordkeeping errors, in violation of Special Conditions 6, 7, 8, and 9, and 18 of PTI 274-98A, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), Mich Admin Code, R 336.1702(d), and Mich Admin Code, R 336.1910. (Exhibit P.).

180. AQD issued the following violation notices to Defendant Tribar

Technologies, Inc. for violations of PTI 243-02 at Plant 3:

- a. On April 7, 2022, AQD issued a violation notice regarding the company's failure to submit emissions data as required by Mich Admin Code, R 336.202 in accordance with PTI 243-02. (Exhibit Q); and
- b. On February 8, 2024, AQD issued a violation notice regarding the company's failure to properly operate the pollution control devices associated with the EU-COATINGLINE based on records from February 2023 through December 2023, which indicated low and even negative temperature differentials of the catalyst inlet and outlet, although proper operations would result in the catalyst outlet temperature being 50°F to 200°F higher than the catalyst inlet temperature in violation of Special Condition 1.7 of PTI 243-02 and Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702, and Mich Admin Code, R 336.1910. (Exhibit R.)

181. AQD issued the following violation notices to Defendant Adept Plastic Finishing, Inc. for violations of PTI 115-07B at Plant 4:

- a. On April 7, 2022, AQD issued a violation notice regarding the company's failure to submit emissions data as required by Mich Admin Code, R 336.202 in accordance with PTI 243-02. (Exhibit S);
- b. On April 6, 2023, AQD issued a violation notice regarding the company's failure to submit records for surface tension tanks 5, 6, and 50 for December 2021–December 2022 in violation of special conditions VI.8 and VI.9 of PTI 115-07B, Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and 40 CFR Part 63, Subparts A and N as incorporated into Mich Admin Code, R 336.1941 and Mich Admin Code, R 336.1943. (Exhibit T); and
- c. On January 31, 2024, AQD issued a violation notice regarding (1) the company's failure to properly operate tanks 5, 6, and 50 (EUCHROME1) because its records indicated that the company exceeded the maximum allowable surface tension of 33 dynes/cm, in violation of Special Condition VI.1 of PTI 115-07B, Mich Admin Code R, 336.1225, Mich Admin Code, R 336.1910, 40 CFR Part 63, subparts A and N, as incorporated into Mich Admin Code, R 336.1941 and Mich Admin Code, R 336.1943. (Exhibit U.)

182. AQD issued the following violation notices to Defendant Tribar Technologies, Inc. for violations of PTI 121-16 at Plant 5:

- a. On September 9, 2021, AQD issued a violation notice regarding the company's failure to (1) maintain surface tension of 35 dynes at tanks 5 and 6 associated with EUSYSTEM2, (2) operate the FGSYSTEMS controls properly, in violation of Special Conditions III.2 (related to EUSYSTEMS2) and IV.1 (related to FGSYSTEMS) of PTI 121-16, Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910. (Exhibit V);
- b. On August 9, 2022, AQD issued a violation notice regarding the company's failure to (1) maintain pressure drop within a set range at tank 6, etch tank 5, and tank 45 HEPA filter pressure and (2) maintain surface tension of 35 dynes at tank 6, in violation of Special Conditions IV.1 (related to FGSYSYSTEMS) and III.2

(related to EUSYSTEM2) of PTI 121-16, Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910. (Exhibit W);

- c. On February 8, 2023, AQD issued a violation notice regarding the company's failure to provide specified records for EUSYSTEM2, EUCHROME5, and FGSYSTEMS that the agency requested during the July 21, 2022, inspection, in violation of Special Conditions VI.2, VI.3, and VI.4 of PTI 121-16 (all related to EUSYSTEM2), VI.2 and VI.4 of PTI 121-16 (both related to EUCHROME5), VI.1 and VI.2 of PTI 121-16 (both related to FGSYSTEMS), Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and the requirements of 40 CFR 63, subparts A and N, as incorporated into Mich Admin Code, R 336.1941 and Mich Admin Code, R 336.1943. (Exhibit X);
- d. On April 4, 2023, AQD issued a second violation notice regarding the company's failure to provide a sufficient response to the July 21, 2022 records request and the February 8, 2023 violation notice, in continued violation of Special Conditions VI.2, VI.3, and VI.4 (all related to EUSYSTEM2), VI.2 and VI.4 (both related to EUCHROME5), VI.1 and VI.2 of PTI 121-16 (both related to FGSYSTEMS), Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and the requirements of 40 CFR 63, subparts A and N, as incorporated into Mich Admin Code, R 336.1941 and Mich Admin Code, R 336.1943. (Exhibit Y);
- e. On August 4, 2023, AQD issued a violation notice regarding the company's failure to (1) maintain surface tension of 35 dynes at Tanks 5, 6, and 49, and (2) failure to perform quarterly inspections on the composite mesh pad system of the tank 49 control system in violation of Special Conditions III.2 (related to EUSYSTEM2), III.2 and IV.2 (both related to EUCHROME5), of PTI 121-16, Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and the requirements of 40 CFR 63, subparts A and N incorporated in Mich Admin Code, R 335.1941 and Mich Admin Code, R 336.1943. (Exhibit Z); and
- f. On September 5, 2024, AQD issued a violation notice regarding the company's failure to maintain a surface tension of 35 dynes at Tanks 5 and 6, in violation of Special Condition III.2 of PTI 121-16 (related to EUSYSTEM2), Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, and Mich Admin Code, R 336.1910. (Exhibit AA.)

183. On September 1, 2022, AQD issued a violation notice regarding the company's failure to respond to violation notices previously issued on August 9, 2022 regarding Plants 1 and 5. (Exhibit BB.)

184. On April 18, 2023, AQD issued a violation regarding the company's failure to submit annual air emissions data as required by Mich Admin Code, R 336.202 for Plants 1, 3, 4, and 5. (Exhibit CC.)

Conclusion

185. EGLE provided written notice of all violations alleged in this complaint to Defendants in accordance with MCL 324.1511(1)(a).

186. On May 20, 2024, EGLE met with Defendants, as set forth in MCL 324.1511(1)(b).

187. EGLE, directly and through counsel, met with Defendants and counsel for Defendants regarding all violations that occurred after the May 20, 2024 meeting, as set forth in MCL 324.1511(1)(b).

188. WRD spent \$12,366 in sampling costs testing for per- and poly-fluoroalkyl substances (PFAS) and perfluorooctanoic acid (PFOA) analytes, including PFOS, in discharges from Plants 4 and 5.

189. WRD spent \$85,556 in sampling costs for surface water monitoring related to the hexavalent chromium release from Plant 5 in an effort to protect public health.

190. WRD spent a total of \$111,009.28 in enforcement costs on this case.

COUNT I—WATER RESOURCES PROTECTION PART VIOLATIONS

191. Paragraphs 1 through 190 are hereby realleged and incorporated by reference.

192. From February 27, 2003 until April 24, 2023, Defendants violated Mich Admin Code, R 324.2006(1) and Mich Admin Code, R 324.2006(2) by failing to develop and maintain a pollution incident prevention plan at Plant 5, and further for failing to submit the required certification of compliance with the Part 5 Rules.

193. From July 29, 2022 through August 1, 2022, Defendants continuously violated Mich Admin Code R, 323.2303(1) by releasing industrial water from Plant 5 to the Wixom wastewater treatment plant, thereby causing pass-through and interference at the Wixom wastewater treatment plant.

194. From July 29, 2022 through August 1, 2022, Defendants continuously violated Mich Admin Code, R 323.2303(2)(d) by releasing industrial water from Plant 5 to the Wixom wastewater treatment plant at a flow rate and/or pollution concentration that caused interference at the Wixom wastewater treatment plant.

195. Defendants violated the conditions of the ISW General Permit, applicable to Plant 4 via COC No. MIS410672 by failing to develop and implement a satisfactory stormwater pollution prevention plan from at least August 15, 2018 until January 4, 2019 and June 24, 2024 through the date of filing, failing to implement control measures to prevent contaminated runoff from discharging to storm sewers and surface water from at least August 15, 2018 through August 27, 2018, November 26, 2019 through December 9, 2019, and discharging stormwater

containing PFOS at levels in excess of the applicable water quality value from at least August 15, 2018 through the date of filing.

196. From May 21, 2018 until May 21, 2024, Defendants violated MCL 324.3109 and MCL 324.3112 by discharging industrial stormwater from Plants 2 and 3 without first obtaining a permit.

197. From July 29, 2024, until the date of filing, Defendants violated COC No. MIS410870 by failing to implement an acceptable stormwater pollution prevention plan at Plants 2 and 3.

198. From August 11, 2022 until April 24, 2023, Defendants discharged industrial stormwater from Plant 5 without authorization to do so, in violation of MCL 324.3112 and MCL 324.3109.

199. As confirmed by water testing, on at least December 9, 2024, for at least two separate incidents and at most each day it rained, Defendants discharged stormwater in excess of the water quality values for PFOS from Plant 4.

200. As confirmed by water testing, on at least April 4, 2024 and December 9, 2024, for at least three separate incidents and at most each day it rained, Defendants discharged stormwater in excess of the water quality values for PFOS from Plant 5.

201. As confirmed by water testing, on at least December 9, 2024 and at most each day it rained, Defendants discharged industrial stormwater from Plant 1 with levels of chemical oxygen demand indicative of a discharge of contaminated stormwater.

202. Defendants have discharged and continue to discharge PFOS in values over the water quality value of 12 ng/L from Plant 4, in violation of MCL 324.3109.

203. Defendants have also discharged and continue to discharge PFOS in values over the water quality value of 12 ng/L from Plant 5, in violation of MCL 324.3109, MCL 324.3112, NEC186790, and NEC187458.

204. Defendants' violations resulted in direct or indirect discharges into the waters of the state of substances that are or may become injurious to the public health, safety, or welfare; to domestic, commercial, industrial, agricultural, recreational, or other uses that are being made or may be made of the waters to which the discharge occurred; to the value or utility of riparian lands; to livestock, wild animals, birds, fish, aquatic life, or plants or to their growth or propagation; or to the value of fish and game, in violation of MCL 324.3109.

205. As provided in Section 3115 of NREPA, MCL 324.3115, the violations set forth in this Count subject Defendant to injunctive relief and a civil fine of not more than \$25,000 per day of violation.

COUNT II—AIR POLLUTION CONTROL PART VIOLATIONS

206. Paragraphs 1 through 205 are hereby realleged and incorporated by reference.

207. From March 15, 2022 until May 1, 2023, Defendants violated Mich Admin Code, R 336.202 by failing to timely submit annual air emissions data for Plants 1, 3, 4, and 5.

208. Defendants violated special conditions 1–12 (from July 1, 2021 until October 19, 2022), 18 (June 20, 2023 until October 2, 2023), 20a–b (July 21, 2022 until October 19, 2022), and 21a–e (July 21, 2022 until October 19, 2022) , of PTI 274-98A, Mich Admin Code, R 336.1205, Mich Admin Code, R 336.1205(3), Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702(a), Mich Admin Code, R 336.1702(d), Mich Admin Code, R 336.1707(3)(a), Mich Admin Code, R 336.1901, and Mich Admin Code, R 336.1910 at Plant 1.

209. From February 2023 until the date of this filing, Defendants have been in continuous violation of special condition 1.7 of PTI 243-02, Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1702, and Mich Admin Code, R 336.1910 at Plant 3.

210. Defendants violated special conditions III.2 of FGCHROME (November 1, 2022–December 2, 2023), III.3 of FGCHROME (November 1, 2022–December 2, 2023), VI.8 of FGCHROME (December 6, 2022–April 17, 2023), VI.9 of FGCHROME (December 6, 2022–April 17, 2023) of PTI 115-07B, Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and 40 CFR Part 63, subparts A and N, as incorporated into Mich Admin Code, R 336.1941 and Mich Admin Code, R 336.1943 at Plant 4.

211. Defendants violated special conditions III.2 (July 16, 2021– November 13, 2023), VI.2 (July 21, 2022–July 13, 2023), VI.3 (July 21, 2022 –July 13, 2023), and VI.4 (July 21, 2022–July 13, 2023) (all related to EUSYSTEMS2), III.2 (July 21, 2022–November 13, 2023), IV.2 (July 21, 2022 –November 13, 2023), VI.3 (July 21,

2022–November 13, 2023) and VI.4 (July 21, 2022–November 13, 2023) (both related to EUCHROME5), IV.1 (September 9, 2021–May 8, 2023), VI.1 (July 21, 2022–November 13, 2023), and VI.2 (July 21, 2022–January 13, 2023) (all related to FGSYSTEMS), Mich Admin Code, R 336.1224, Mich Admin Code, R 336.1225, Mich Admin Code, R 336.1910, and the requirements of 40 CFR 63, subparts A and N, as incorporated into Mich Admin Code, R 336.1941 and Mich Admin Code, R 336.1943.

212. The Air Pollution Control Part authorizes this Court to assess civil fines of no more than \$10,000 for each violation and, for continuing violations, each day of continued violation. MCL 324.5530(2) and (7).

213. The Act further authorizes this Court to award costs of litigation, including, but not limited to, reasonable attorney fees. MCL 324.5530(4).

COUNT III—COMMON LAW PUBLIC NUISANCE

214. Paragraphs 1 through 213 are hereby realleged and incorporated by reference.

215. A condition or activity that unreasonably interferes with public rights or threatens the public welfare constitutes a public nuisance.

216. A violation of MCL 324.3109 is *prima facie* evidence of the existence of a public nuisance and in addition to the remedies provided for in this part may be abated according to law in an action brought by the attorney general in a court of competent jurisdiction. MCL 324.3109(6).

217. Defendants have discharged and continue to discharge PFOS in values over the water quality value of 12 ng/L from Plant 4.

218. Defendants have also discharged and continue to discharge PFOS in values over the water quality value of 12 ng/L from Plant 5.

219. As set forth above, Defendants have created a public nuisance by discharging injurious substances, or those that may become injurious, to waters of the state.

220. This Court has authority and jurisdiction to compel abatement of such a nuisance.

COUNT IV—VIOLATIONS OF BUSINESS CORPORATIONS ACT

221. Paragraphs 1 through 220 are hereby realleged and incorporated by reference.

222. As a corporation formed under the laws of the State of Delaware, Tribar Technologies, Inc. was required to have a certificate of authority to conduct business in Michigan under MCL 450.2011. Tribar Technologies, Inc. has conducted business in Michigan without such a certificate of authority. It did so from at least from 2015 until present.

223. Under MCL 450.2055, a fine may be imposed in an amount up to \$1,000 per month for this violation, not to exceed a total fine of \$10,000.

DEMAND FOR JUDGMENT

Plaintiffs respectfully request that this Honorable Court grant the following relief:

A. Find that Defendants violated the Water Resources Protection Part and the Air Pollution Control Part, violated COCs Nos. MIS410672, MIS410675,

MIS410870, NEC187458, lost the exemption authorized under Mich Admin Code, R 323.2161(1)(a) by failing to renew NEC186790 from August 11, 2017 through April 23, 2023, and also violated PTIs 115-07B, 121-16, 243-02, and 274-98A;

B. Find that Defendants have created a public nuisance by continuing to discharge stormwater containing amounts of PFOS exceeding the water quality value of 12 ug/l from Plants 4 and 5;

C. Order Defendants to achieve, maintain, and demonstrate compliance with the Water Resources Protection Part and the Air Pollution Control Part, associated rules, COCs No. MIS410672, MIS410675, and MIS410870, and PTIs 115-07B, 121-16, 243-02, and 274-98A;

D. Order Defendants to abate the public nuisance at Plants 4 and 5 so that discharges of stormwater containing amounts of PFOS are under 12 ng/l;

E. Order Defendants to pay civil fines of no less than \$2,500 and not more than \$25,000 per day of violation of the Water Resources Protection Part;

F. Order Defendants to pay civil fines of not more than \$10,000 per day of violation of the Air Pollution Control Part;

G. Find that Defendant Tribar Technologies, Inc. conducted business in Michigan without the mandated certificates of authority to do so and imposing a judgment against it in the amount of \$10,000 each for conducting business in the State of Michigan without the proper authorization;

H. Enjoin Defendant Tribar Technologies, Inc. from conducting business in Michigan until it has both satisfied the requested judgment and obtained the proper certificates to do so;

I. Order Defendants to pay reasonable attorney fees, costs of litigation, and costs of surveillance and enforcement resulting from Defendants' violations of the Water Resources Protection Part and the Air Pollution Control Part; and

J. Grant such other relief as this Court deems just and proper.

Respectfully submitted,

/s/ Elizabeth Morrisseau

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Dated: June 12, 2025

LF: Tribar Manufacturing (EGLE-WRD)/AG #2022-0357658-B/Complaint 2025-06-12