



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
CADILLAC DISTRICT OFFICE



DAN WYANT  
DIRECTOR

July 26, 2013

CERTIFIED MAIL  
RETURN RECEIPT

Mr. Steve Kwapis  
Team Services LLC  
P.O. Box 1104  
Kalkaska, Michigan 49646

VN No. VN-005654

Dear Mr. Kwapis:

SUBJECT: Violation Notice

Team Services LLC applies oil well brine to roads under a Groundwater Discharge Permit No. GW1510181 (Permit). The Department of Environmental Quality (DEQ), Water Resources Division (WRD), received sampling data taken from a Team Services brine truck by the Benzie County Road Commission on June 4, 2013. The brine was applied to roads in Benzie County.

The WRD has determined that Team Services LLC is in violation of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.3101, as amended, and Groundwater Discharge Permit No. GW1510181. Specifically, staff found the following violations:

- **R 324.705 of Part 615 of the NREPA, and Groundwater Discharge Permit No. GW1510181, limit the use of brine to that which contains less than 1,000 micrograms per liter (ug/l) of each of benzene, ethylbenzene, toluene and xylene.** The sampling data shows the benzene concentration at 28,000 ug/l, toluene at 1,000,000 ug/l, ethylbenzene at 150,000 ug/l, and xylene at 750,000 ug/l.
- **Section 3109 of the NREPA states, "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."** Some of the levels of the above-listed hydrocarbons are above limits for direct contact under Part 201 of the NREPA. The direct contact limits are 180,000 ug/l for benzene, 140,000 ug/l for ethylbenzene, 250,000 ug/l for toluene, and 150,000 ug/l for xylene.
- **The levels of ethylbenzene, toluene and xylene in the sample exceed the direct contact limits under Part 201, Environmental Response, of the NREPA.** Pursuant to Section 20114 of the NREPA, an owner or operator of property who has knowledge that the property is a Facility, and who is liable under Section 20126 of the NREPA, must halt the release, pursue response actions aimed at determining the nature and extent of the release, and conduct clean-up activities. Please note that additional requirements under Section 20114 of Part 201 may apply to this situation.
- **Part 121, Section 12102a of the NREPA states that liquid brine authorized for use as dust and ice control regulated under Parts 31 and 615 of the NREPA is not liquid industrial waste. Because the material did not meet the requirements of Part 31 or Part 615, it is determined to be liquid industrial waste. Section 12113 of Part 121 states,**

*"Except as otherwise authorized pursuant to this section or other applicable statutes or rules or orders of the department liquid industrial waste shall be managed to prevent liquid industrial waste from being discharged into the soil, surface water or groundwater, or a drain or sewer, or discharge in violation of part 55."* The material was not managed to prevent discharge to the environment.

Team Services LLC must take immediate action to achieve and maintain compliance with the terms and conditions of Groundwater Permit No. GW1510181 and all parts of the NREPA.

Please respond to this violation letter, in writing, by August 31, 2013. At a minimum, the response shall include:

1. A description of what occurred on June 4, 2013. Please include information as to how the brine is stored, other tanks that may be at the site, what the truck used to brine the road had been used for previous to the brine application, the protocol for drivers picking up brine for use on roads, and any additional information that may be relevant to brine storage and road brining operations. Should you have knowledge of how high concentrations of VOC ended up in the brine truck, please include this information.
2. Future practices that will eliminate such incidents from occurring.
3. As part of your response, please provide a work plan that describes how you will evaluate the discharge areas for compliance with Section 20114 of the NREPA. The work plan should include information regarding the quantity of waste discharged and how testing will show that there is no further hazard to groundwater or by direct contact with the brined road areas due to the discharge.

If you have any factual information you would like us to consider regarding the violations identified in this Notice, please provide them with your written response.

We anticipate and appreciate your cooperation in resolving this matter. If you would like to arrange a meeting to discuss the incident, or should you require further information regarding this violation notice, please contact Ms. Janice Heuer at 231-876-4473, [heuerj@michigan.gov](mailto:heuerj@michigan.gov), or DEQ, WRD, 120 West Chapin Street, Cadillac, Michigan 49601; or you may contact me.

Sincerely,



Brian W. Jankowski  
Cadillac District Supervisor  
Water Resources Division  
231-876-4474  
[jankowskib@michigan.gov](mailto:jankowskib@michigan.gov)

cc: Ms. Heather Jamison, Benzie CRC  
Mr. Rick Henderson, DEQ  
Mr. Mel Kiogima, DEQ  
Mr. Steve Kitler, DEQ  
Mr. Phil Roycraft, DEQ  
Mr. Barry Selden, DEQ  
Mr. Andy Stempky, DEQ  
Mr. Ray Vugrinovich, DEQ  
Mr. Tom Wingate, DEQ