



TOEFCO
ENGINEERED COATING SYSTEMS, INC.



March 15, 2021

Mr. Matt Deskins
Environmental Quality Analyst
Michigan Department of the Environment, Energy, and Great Lakes
Air Quality Division
Kalamazoo District Office
7953 Adobe Road
Kalamazoo, Michigan 49009-5025

RE: RESPONSE TO THE FEBRUARY 16, 2021 VIOLATION NOTICE ISSUED TO TOEFCO ENGINEERED COATING SYSTEMS, INC.; SRN: N2610

Dear Mr. Deskins:

Toefco Engineered Coating Systems, Inc. (Toefco) is in receipt of the February 16, 2021 Violation Notice issued by the Kalamazoo District Office (the District) of the Michigan Department of the Environment, Energy, and Great Lakes (EGLE), Air Quality Division (AQD) for the above-referenced facility. The Violation Notice cites FG-MACT MMMM Special Conditions VII.6 and VII.7 of Renewable Operating Permit No. MI-ROP-N2610-2017 (the "ROP") with underlying applicable requirements referencing 40 CFR 63.3910 and 40 CFR 63.3920. These regulations require the facility to submit notification of compliance status and semi-annual compliance reports for the first semi-annual compliance reporting period and subsequent semi-annual periods. The Violation Notice cited Special Conditions VII.6 and VII.7; however, Toefco assumes that Special Conditions VII.7 and VII.8 were intended based on the underlying applicable requirements and the explanation of the violation.

The reports were to have been postmarked or received according to the following schedule:

- Notification of Compliance Status – approximately July 31, 2017
- First Semi-Annual Compliance Report – March 15, 2018
- Subsequent Semi-Annual Compliance Reports – Each September 15 and March 15 after March 15, 2018.

The First Semi-Annual Compliance Report was to be submitted along with the facility's annual ROP certification and semi-annual ROP deviation report by the established March 15, 2018 reporting date. Subsequent Semi-Annual Compliance Reports were to be submitted as noted in the schedule above. Pursuant to §63.3920(a)(1)(iv), the first and subsequent MACT MMMM semi-annual compliance reports can be submitted according to dates the permitting authority (in this case MI-EGLE) has established for semi-annual reports pursuant to 40 CFR Part 70 or 40 CFR Part 71. Toefco has submitted the MACT MMMM Semi-Annual Compliance Reports due March 15, 2021 and

September 15, 2020 (covering the compliance period January 1, 2020 through December 31, 2020) with the facility's annual ROP certification and semi-annual ROP deviation report by the established March 15, 2021 reporting date.

The underlying MACT MMMM compliance data needed for notification and reporting has been generated, recorded and documented using the facility's record management database. The facility inadvertently omitted submittal of the Notification of Compliance Status as noted in the schedule above and in Comment 1 of the Violation Notice. The facility inadvertently omitted submittal of the First Semi-Annual Compliance Report and subsequent Semi-Annual Compliance Reports (for the period January 1, 2018 through June 30, 2020) as noted in the schedule above and Comment 2 of the Violation Notice (with revised schedule for the First Semi-Annual Compliance Report). These omissions were due to a misinterpretation of the requirements under §63.3910 and §63.3920 and an assumption that the semi-annual ROP deviation reporting included an implicit report of compliance with the MACT MMMM requirements.

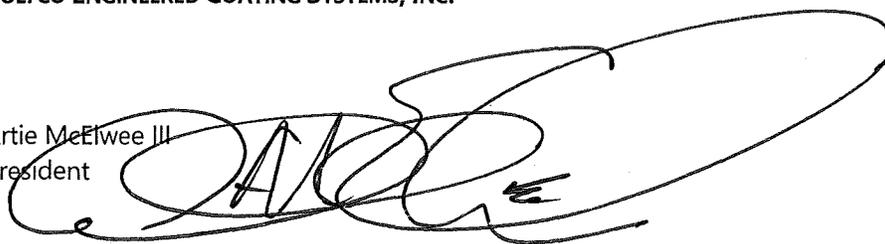
Pursuant to your request within the Violation Notice, Toefco will assemble the Notification of Compliance Status, the first Semi-Annual Compliance Report and subsequent Semi-Annual Compliance Reports covering the compliance period January 1, 2018 through December 31, 2019. Note that the Semi-Annual Compliance Report for compliance period January 1, 2020 through June 30, 2020 has already been submitted with the ROP reporting package due by March 15, 2021, as discussed above. The notification and reports will be provided to EPA Region 5 and copied to the District Office by April 16, 2021.

Should you have any questions or need additional information, please feel free to contact Mr. Brian Greenwald of Barr Engineering at (616) 723-1377, or me at (800) 555-6495, at your convenience.

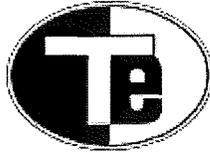
Sincerely,

TOEFCO ENGINEERED COATING SYSTEMS, INC.

Artie McElwee III
President

A large, stylized handwritten signature in black ink, appearing to read 'Artie McElwee III', is written over the printed name and title.

c: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Rex Lane, EGLE



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7953 Adobe Road
Kalamazoo, Michigan 49009-5025

RE: RESPONSE TO THE FEBRUARY 16, 2021 VIOLATION NOTICE ISSUED TO TOEFCO ENGINEERED COATING SYSTEMS, INC.; SRN: P0708

Dear Mr. Deskins:

Toefco Engineered Coating Systems, Inc. (Toefco) is in receipt of the February 16, 2021 Violation Notice issued by the Kalamazoo District Office (the District) of the Michigan Department of the Environment, Energy, and Great Lakes (EGLE), Air Quality Division (AQD) for the above-referenced facility. The Violation Notice cites FG-MACT MMMM Special Conditions VII.6 and VII.7 of Renewable Operating Permit No. MI-ROP-P0708-2020 (ROP) with underlying applicable requirements referencing 40 CFR 63.3910 and 40 CFR 63.3920. These regulations require the facility to submit an initial notification, notification of compliance status, and semi-annual compliance reports for the first semi-annual compliance reporting period and subsequent semi-annual periods.

The reports were to have postmarked or received according to the following schedule:

- Initial Notification – approximately December 9, 2018
- Notification of Compliance Status – approximately September 9, 2020
- First Semi-Annual Compliance Report – March 15, 2021

The First Semi-Annual Compliance Report was submitted along with the facility's annual ROP certification and semi-annual ROP deviation report by the established March 15, 2021 reporting date. Pursuant to §63.3920(a)(1)(iv), the first and subsequent MACT MMMM semi-annual compliance reports can be submitted according to dates the permitting authority (in this case MI-EGLE) has established for semi-annual reports pursuant to 40 CFR Part 70 or 40 CFR Part 71. Toefco asserts that the matter described in Comment 2 of the Violation Notice does not constitute a violation of FG-MACT MMMM Special Condition VII.7 because the First Semi-Annual Compliance Report was submitted prior to the applicable reporting date.

Mr. Matt Deskins

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The underlying MACT MMMM compliance data for the notifications and reports has been generated, recorded and documented using the facility's record management database. The facility inadvertently omitted submittal of the Initial Notification and Notification of Compliance Status as noted in the schedule above and Comment 1 of the Violation Notice due to a misinterpretation of the requirements under §63.3910 and an assumption that the semi-annual ROP deviation reporting included an implicit report of compliance with the MACT MMMM requirements.

Pursuant to your request within the Violation Notice, Toefco will assemble the Initial Notification and Notification of Compliance Status. The notifications will be provided to EPA Region 5 and copied to the District Office by April 16, 2021.

Should you have any questions or need additional information, please feel free to contact Mr. Brian Greenwald of Barr Engineering at (616) 723-1377, or me at (800) 555-6495, at your convenience.

Sincerely,

TOEFCO ENGINEERED COATING SYSTEMS, INC.

Artie McElwee III
President

c: Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Rex Lane, EGLE