

Kallumkal, Sebastian (DEQ)

From: Ron Fitzpatrick <rgfitz@rgfai.com>
Sent: Thursday, February 06, 2014 5:31 PM
To: Kallumkal, Sebastian (DEQ)
Subject: Nylok
Attachments: Nylok Macomb VN Response 02 2014.pdf

Sebastian,

Attached is the formal response to the VN. We addressed violations as they were listed, included the dates the violations occurred, explained why they occurred and what Nylok is doing to correct the situation. The most important issue is that Nylok took the initiative to change their status regard emissions (minor vs. major) unfortunately the new permit was issued after the violation occurred. As you are also aware, Nylok is in discussions with some former associates of yours to propose on the ROP, we hope to have that taken care of quickly so we can put all of this behind us.

As you will note, we did not include any spreadsheets with this submittal as we acknowledged what we have discussed with you over the course of the past several months. On a calendar basis Nylok stayed within their permit, unfortunately with the system of reporting that was used, dramatic increases in production are determined too late to catch the issues on a 12 month rolling average basis. We hope to educate and correct this system for good in the near term.

We hope this information is acceptable to MDEQ and look forward to resolving these issues as Nylok is committed to operating in a compliant matter.

If there is anything you would like to discuss, please let me know. I am out of the office tomorrow but could respond early next week.

Regards,

**RON FITZPATRICK
RG FITZPATRICK & ASSOCIATES, INC.
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WHEATON, IL 60188
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January 29, 2014

Mr. Sebastian G. Kallumkal
Senior Environmental Engineer
Air Quality Division
Michigan DNRE
Southeast Michigan District Office
27700 Donald Court
Warren, Michigan 48092

RE: Violation Notice
Nylok LLC
Macomb, Michigan

Dear Mr. Kallumkal:

Nylok LLC is in receipt of the Violation Notice (VN) issued by the Michigan Department of Environmental Quality (MDEQ) on September 13, 2013 and reissued on January 23, 2014. The VN was issued in response to your site visit on July 18, 2013. Nylok previously responded on October 30, 2013 and this document serves to address subsequent issues identified by MDEQ.

The attached information is our response to the allegations and our proposed compliance strategy for the Macomb facility. As you know we have been working diligently for the past 3 years to upgrade our environmental systems to be compliant with our air permits. While it is disappointing that this has occurred, we are committed to a compliant facility and will work hard to achieve compliance.

We appreciate your assistance in resolving these issues. In the event that there are any questions, please do not hesitate to contact Ron Fitzpatrick.

Regards,

A handwritten signature in black ink, appearing to read "Greg Rawlings". The signature is fluid and cursive, with the first and last names being the most prominent.

Greg Rawlings
Operations Manager
Nylok LLC – Nylok Michigan
A Marmon Group / Berkshire Hathaway Company
(586) 260-9278 cell
greg.rawlings@nylok.com

Violation Notice
Nylok LLC SRN: N5656
Macomb, MI

In response to the Violation Notice issued on September 13, 2013 and re-issued on January 23, 2014, Nylok, LLC submits the following responses to that notice.

- 1. FG Facility. PTI No. 253-06 Condition 2.1a, As of August 2012, facility exceeded the individual HAP emissions of 9 TPY.**

Nylok exceeded the 9 TPY Emission limit for a single HAP on October 26, 2012. In November 2012 based on the emissions tracking data, Nylok discontinued the use of the HAP for the remainder of 2012 through April 2013.

- 2. FG Facility. R336.1210 (5), As of September, 2012, facility exceeded Title V (ROP) major source threshold of 10 TPY single HAP, but failed to submit an administratively complete application to MDEQ-AQD, by the submittal date.**

Based on a review of the material tracking forms generated by the facility and the 12 month rolling average, Nylok did exceed the 10 TPY for a single HAP in November 2012 and based on that occurrence became a major source of air emissions at that time and was required by statute to submit a ROP by November 2013. Nylok was unaware that they had exceeded the permit limit at that time based on the 12 month rolling average (from 12/2011 to 11/2012 total HAP emissions were 20,300 lbs). For the calendar year 2012 the HAP emissions were 19,854.09. Nylok was unaware of the issue until December 2013 when reviewing the data in order to respond to this VN.

Nylok realized in early 2013 that the HAP usage at the facility was creating a number of constraints. The facility business had been steadily increasing and the volume of coatings used increased as well. Based on this situation, the facility started to review potential options to resolve the HAP constraints, based on this, Nylok approached MDEQ-AQD regarding changing the facility status from a minor source of emissions to a major source and took the necessary steps to change the status. Permit No. 133-13 was issued to Nylok on January 28, 2014.

- 3. FGFACILITY. 40 CFR 63.3883 (c) (2), As of September, 2012, facility became a major source for HAP (10 TPY single HAP), but failed to comply with the requirements of 40 CFR 63, Subpart Mmmm-NESHAP for Surface Coating of Miscellaneous Metal Parts and Products, by the submittal date.**

Nylok acknowledges the violation and agrees that the facility is a major source for HAP based on MDEQ's evaluation. Nylok has solicited a proposal from a consulting firm to review the data and initiate the ROP process to return the facility to compliance with this statute. The ROP process will also be coordinated with the new facility permit No. 133-13 to ensure that the facility is in compliance with all aspects of 40 CFR 63, Subpart M-MMM-NESHAP. Once the proposal is received and accepted, Nylok will advise MDEQ-AQD of the schedule for implementation.

Nylok addressed the issues with the following corrective steps:

- When the monthly recordkeeping for the facility air emissions indicated the facility was approaching the HAP permit limit, the HAP (toluene) usage was suspended and another non HAP solvent (isopropyl acetate) was used in the facility from November, 2012 through April, 2013.
- The second step initiated by Nylok to correct the situation was to engage the MDEQ-AQD Permit Section on May 13, 2013 take the appropriate steps to modify the facility air permit and change the status of the facility from a minor source of air emissions to a major source, this process concluded with the issuance of permit 133-13 in January 2014.

The cause of the violation is related to an increase in the facility business and a lag time in recording the plant air emissions. Historically, the facility was able to manage their compliance effectively and in more productive times of the year, substitute a different solvent into the coating lines to maintain compliance. The increase in business was substantial and the substitution was delayed due to a change in the accounting of the HAP used in the facility. The actual violation was for a very short period of time but as pointed out by MDEQ-AQD, once the 10 TPY threshold was exceeded, there was no returning to a minor air source.

Nylok has, as a preventative step, reviewed the issues that led to the exceedance and has corrected the recordkeeping process. As part of the ROP process, Nylok will evaluate the recordkeeping program in greater detail and modify as necessary to ensure compliance. This review process is scheduled to be completed in the first quarter of 2014.