



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: 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.

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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