

August 11, 2018

*Via Email*

E-MAILED

8/13/18

Mary A. Douglas  
District Supervisor  
Air Quality Division  
Michigan Department of Environmental Quality  
7953 Adobe Road  
Kalamazoo, Michigan 49009-5025

Re: **Perrigo Company, SRN 7276**

Dear Ms. Douglas:

As environmental legal counsel for the Perrigo Company ("Perrigo"), we wish to supplement the company's prior response to the Violation Notice dated June 26, 2018 that asserted Perrigo should be considered a major source for VOCs based upon the allowed PTE under PTI No. 416-93C and PTI No. 208-89B as issued in 2009.

Upon close examination of the above-referenced permits, we now believe that the only manner in which the allowed potential to emit of VOCs under these permits could be claimed to exceed 100 tons per year is by double counting of permitted emissions. Specifically, under FGPLANT5, Condition I. Emission Limits (6) and (7) the permit provides alternate ton per year limits for the coating process – 10.1 tpy are allowed from the coating process when using aqueous based coatings and, in the alternative, 16.6 tpy are allowed when solvent based coatings are employed. Alternate limits are provided to represent differing TBACT and VOC BACT determinations under Rules 225 and 702 depending upon the materials used. Accordingly, when determining maximum allowable VOC emissions under the permits, only the higher alternate limit should be considered. When appropriately accounted for, Perrigo understands the permits only allow for a maximum of 92.85 tons per year of VOCs from the facility. As the allowable VOC emissions are below the 100 ton major source threshold, the permits do not render the facility subject to Title V/ROP requirements.<sup>1</sup>

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<sup>1</sup> As Perrigo has never employed solvent-based coatings under the permit, the actual allowed PTE for the facility is less than 87 tpy.

Perrigo's permit review has prompted it to consider further, under current and foreseeable operating scenarios, the level of allowable VOC emissions actually required for production at the Allegan facility. Perrigo recognizes that certain of its processes have not and will not employ materials requiring the ton per year limits now permitted. Accordingly, Perrigo intends to submit applications to the Air Quality Division seeking to reduce the allowable VOC emissions under the permits. The changes to be sought will reduce the permit allowed VOC emissions to less than 80 tons per year. Perrigo is confident that this reduction in permit allowed emissions should eliminate any concern that the Allegan facility could be considered a major source for VOCs.

Please feel free to contact me if you have any questions.

Sincerely,

*Steven C. Kohl*

Steven C. Kohl

SCK/sck

Cc:

Mr. Scott Schroeder – Perrigo

Mr. Cody Yazzie – MDEQ

Mr. Chris Ethridge – MDEQ

Mr. Craig Fitzer – MDEQ

Ms. Mary Ann Dolehanty - MDEQ