



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY

KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

June 27, 2019

Mr. Ivor Bull  
BASF Toda America Inc.  
4750 West Dickman Road  
Battle Creek, Michigan 49037

SRN: P0089, Calhoun County

Dear Mr. Bull

### **VIOLATION NOTICE**

On April 30, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), received the initial application for Renewable Operating Permit (ROP) for BASF Toda America, Inc. located at 4750 West Dickman Road in Battle Creek, Michigan. The AQD staff has reviewed the application and has determined the application is not administratively complete, pursuant to Section 5507, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, (Act 451).

As required by Rule 210(2), this letter is to notify BASF Toda America, Inc. of this finding and to specify the discrepancies and all supplemental materials needed for an administratively complete application from the facility. The application is deficient for the following reason(s):

On the ASC-001 Form BASF Toda America, Inc. stated that the facility was not in compliance with all of its applicable requirements. This requires that the facility provide a compliance plan and schedule of compliance on an AI-001 Form. The facility did not provide the Compliance Plan/Schedule of Compliance as a part of the submitted initial ROP application.

On the S-003 Form BASF Toda America, Inc. stated that the facility does emit hazardous air pollutants (HAPs) that are regulated by the federal Clean Air Act, Section 112. Section 6 on the S-003 Form states that if a stationary source emits any HAPs then the facility must include potential and actual emission calculations for HAPs, including fugitive emissions on an AI-001 Form. BASF Toda America, Inc. did not include fugitive emissions as a part of the submitted initial ROP application.

Please submit the above information using copies of the appropriate Renewable Operating Permit Application forms by July 18, 2019. Certification by a Responsible Official using the Renewable Operating Permit Application C-001 (Certification) Form must be included with all submittals.

The application was received by this office after the submittal deadline pursuant to Rule 210(5). As a result, this facility has failed to obtain an application shield. Operation of

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the process or process equipment without the benefit of the application shield constitutes a violation of Rule 210(1).

If BASF Toda America, Inc. believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

The AQD may require additional information as the technical sections of the application are reviewed. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact Cody Yazzie at 269-567-3554, or you may contact me at the number listed below.

Sincerely,



Rex Lane  
Kalamazoo District Supervisor  
Air Quality Division  
269-567-3547

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