

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:) NOTICE OF VIOLATION
)
Almond Corporation)
6435 Schamber Drive) EPA-5-99-MI-3
Muskegon, Michigan 4944)
)
PROCEEDINGS PURSUANT TO)
SECTION 113 (a) (1) OF THE)
CLEAN AIR ACT,)
42 U.S.C. § 7413 (a) (1).)

NOTICE OF VIOLATION

Pursuant to Section 113(a)(1) of the Clean Air Act (the "Act"), 42 U.S.C. § 7413(a)(1), the State of Michigan and Almond Corporation ("Almond") are hereby notified that the Administrator of the United States Environmental Protection Agency ("U.S. EPA"), by authority duly delegated to the undersigned, finds Almond in violation of the Michigan State Implementation Plan ("SIP"), adopted under the Act, at Almond's coating facility located in Muskegon, Michigan, for violations of:

1) The permit requirement for installation of any process or equipment which may emit an air contaminant in Michigan Air Pollution Control Commission ("MAPCC") Rule 336.1201, governing permits to install, approved as part of the Michigan SIP effective on May 6, 1990 (45 Fed. Reg. 29790), as summarized below:

A person shall not install, construct, reconstruct, relocate, or alter any process, fuel-burning, or refuse burning equipment, or control equipment pertaining thereto, which may be a source of an air contaminant, until a permit is issued by the commission.

Almond's installation and continued operation of an unpermitted third paint coating line is in violation of MAPCC Rule 336.1201.

2) The conditions for approval of construction of sources of volatile organic compounds in ozone nonattainment areas in MAPCC Rule 336.1220, approved as part of the Michigan SIP effective on March 29, 1982 (47 Fed. Reg. 3764), as summarized below:

For a proposed major offset source of volatile organic compounds proposed for location within an ozone nonattainment area, the proposed equipment shall comply with the lowest achievable emission rate for volatile organic compounds and, prior to start-up of the proposed equipment, a reduction (offset) of the total hourly and annual volatile organic compound emissions from

existing sources equal to 110 percent of allowed emission offset for a source locating in any other ozone nonattainment county may be secured from any ozone nonattainment county in Michigan, except Wayne, Oakland, Macomb, St. Clair, Washtenaw, Livingston, and Monroe counties.

Almond's construction of an unpermitted third paint coating line with a potential to emit in excess of 100 tons per year without control equipment or offsets is a violation of MAPCC Rule 336.1220.

3) The emission rate requirement for metallic surfaces from existing coating lines in MAPCC Rule 336.1621(1), governing the emission rate for metallic surfaces, as approved as part of the Michigan SIP effective on November 7, 1994 (59 Fed. Reg. 46182), as summarized below:

It is unlawful to cause or allow the emission of volatile organic compounds ("VOCs") from the coating of metallic surfaces from any existing coating lines in excess of:

- (b) Three and one-half pounds of VOCs emitted per gallon of coating, minus water, as applied for air-dried coatings;
- (c) Three and one-half pounds of VOCs emitted per gallon of coating, minus water, as applied for extreme performance coatings; or
- (f) Three pounds of VOCs emitted per gallon of coating, minus water, as applied for all other coatings.

Almond has repeatedly exceeded the emission rate limitations for baked and air dried coatings from January 1995 through January 1998, which is in violation of MAPCC Rule 336.1621.

4) The daily record keeping requirement for metallic surfaces from existing coating lines in MAPCC Rule 336.1621(5), governing the emission rate and record keeping for metallic surfaces, as approved as part of the Michigan SIP effective on November 7, 1994 (59 Fed. Reg. 46182), as summarized below:

Not later than three months from the effective date of this rule and thereafter, a person responsible for the operation of a coating line is subject to this rule and shall obtain current information, and keep daily records necessary for the determination of compliance of this rule.

Almond's failure to keep daily records from February 1995 through March 1997 is in violation of MAPCC Rule 336.1621.

12/22/98
Date



Stephen Rothblatt, Acting Director
Air and Radiation Division