



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 11 2006

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Wayne T. Swallow
Plant Environmental Manager
Decorative Panels International, Inc.
416 Ford Avenue
Alpena, MI 49707

Re: Notice of Violation
Finding of Violation
DPI, Inc.
Alpena, MI

Dear Mr. Swallow:

The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation (NOV)/Finding of Violation (FOV) to Decorative Panels International, Inc. (DPI) located in Alpena, Michigan (you). The NOV/FOV is being issued under Section 113(a)(1) and (a)(3) of the Clean Air Act (the Act), 42 U.S.C. 7413(a)(1) and (a)(3). We find that you have violated your Title V permit at your Alpena, Michigan facility by exceeding the opacity limit set forth in the Michigan State Implementation Plan (SIP). Specifically, we find that the following has been violated at your facility:

1. Title V, Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and applicable regulation at 40 C.F.R. § 70.7(b) and
2. Visible emissions provisions contained in R336.1301 of the Michigan SIP.

Section 113 of the Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order and bringing a judicial civil or criminal action. The options we select may depend on, among other things, the length of time you take to

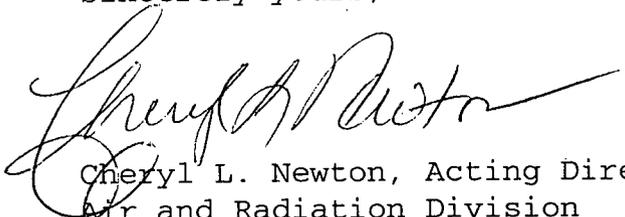
achieve and demonstrate continuous compliance with the rules cited in the NOV/FOV.

We are offering you an opportunity to confer with us about the violations alleged in the NOV/FOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply, and the steps you will take to prevent future violations.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The U.S. EPA contact in this matter is Rodrigo Valle. You may call him at (312) 886-1474 to request a conference. You should make the request as soon as possible, but no later than 10 calendar days after you receive this letter. We should hold any conference within 30 calendar days of your receipt of this letter.

Sincerely yours,



Cheryl L. Newton, Acting Director
Air and Radiation Division

Enclosure

cc: Tom Hess
Compliance and Enforcement Section Supervisor
Michigan Department of Environmental Quality

Gloria Torello
Environmental Quality Analyst
Michigan Department of Environmental Quality

**United States Environmental Protection Agency
Region 5**

IN THE MATTER OF:)
)
Decorative Panels) **NOTICE OF VIOLATION AND**
International, Inc.) **FINDING OF VIOLATION**
Alpena, MI)
) **EPA-5-06-12-MI**
Proceedings Pursuant to)
Section 113(a)(1) and (3) of)
the Clean Air Act, 42 U.S.C.)
§ 7413(a)(1) and (a)(3)

NOTICE OF VIOLATION AND FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) is issuing this Notice of Violation (NOV)/Finding of Violation (FOV) under Section 113(a)(1) and (a)(3) of the Clean Air Act (the Act), 42 U.S.C. §§ 7413(a)(1) and (a)(3). U.S. EPA finds that Decorative Panels International, Inc. (DPI) has violated their Title V permit at their Alpena, Michigan facility by exceeding the opacity limit set forth in the Michigan State Implementation Plan (SIP). Specifically, the facility has violated the following:

- Title V, Section 502(a) of the Act, 42 U.S.C. § 7661a(a), and applicable regulation at 40 C.F.R. § 70.7(b) and
- Visible emissions provisions contained in R336.1301 of the Michigan SIP.

Regulatory Authority

Title V

1. Title V of the Act, 42 U.S.C. § 7661a-7661f, establishes an operating permit program for certain sources, including "major sources." Pursuant to Section 502(b) of the Act, 42 U.S.C. § 7661a(b), on July 21, 1992, U.S. EPA promulgated regulations establishing the minimum elements of a permit program to be administered by any air pollution control agency. 57 Fed. Reg. 32295. These regulations are codified at 40 C.F.R. Part 70.
2. Section 502(a) of the Act, 42 U.S.C. § 7661a(a), states that, after the effective date of any permit program approved or promulgated under Title V of the Act, no source subject to

Title V may operate the source except in compliance with its Title V permit.

3. 40 C.F.R. § 70.7(b) states that, no source subject to Title V may operate the source except in compliance with a Title V permit.
4. U.S. EPA granted full approval to the Michigan Title V operating permit program on December 4, 2001. 66 Fed. Reg. 62949. The program became effective on November 30, 2001.
5. Michigan Department of Environmental Quality (MDEQ) issued Renewable Operating Permit (Title V permit) No. MI-ROP-199600007 to DPI with an effective date of December 1, 2003 with revisions on May 27, 2005, June 8, 2005, and June 19, 2006.
6. Paragraph 2 (a) of the General Conditions of DPI's Title V permit states that visible emissions from the boilers shall not exceed a 6-minute average of 20 percent opacity, except for one 6-minute average per hour of not more than 27 percent opacity. See also, Supplement to Permit No. 440-93, R336.1301(1)(a) and (c) and R336.1201.

Michigan SIP

7. U.S. EPA approved R336.1201 as part of the federally enforceable SIP for Michigan on May 6, 1980. The rule became effective on May 6, 1980. 45 Fed. Reg. 29790.
8. R336.1201 states, among other things, a person shall not construct, reconstruct, or install any process which may be a source of an air contaminant, until a permit to install is issued by the commission. An application for a permit to install may be approved subject to any condition, specified in writing, necessary to assure compliance with applicable regulations.
9. U.S. EPA approved R336.1301 as part of the federally enforceable SIP for Michigan on June 11, 1992. The rule became effective on July 13, 1992. 57 Fed. Reg. 24752. A minor revision to the rule, which does not effect this matter, was approved by U.S. EPA on June 1, 2006. 71 Fed. Reg. 31093.
10. R336.1301 provides standards for the density of emissions. R336.1301(1) states that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than the

most stringent of the following:

(a) A 6-minute average of 20% opacity, except for 1 6-minute average per hour of not more than 27% opacity.

(c) states that a person shall not cause or permit to be discharged into the outer air from a process or process equipment a visible emission of a density greater than a limit specified as a condition of a permit to install or permit to operate.

11. Supplement to Permit No. 440-93 was approved for the DPI facility by the MDEQ on November 9, 1993 and revised on February 6, 1996.
12. Paragraph 13 under Special Conditions of the Supplement to Permit No. 440-93 states that visible emissions from the #1, #2, and #3 boilers shall not exceed a 6-minute average of 20% opacity, except as specified in Rule 301(1)(a).

Enforcement

13. Section 113(a)(1-3) of the Act, 42. U.S.C. § 7413(a)(1-3), authorizes the Administrator to initiate an enforcement action whenever, on the basis of any available information, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of, among others, any implementation plan or permit, Title I or Title V of the Act, or any rule promulgated, issued or approved under Title I or Title V of the Act.

DPI Facility

14. DPI owns and operates three coal-fired boilers at 416 Ford Avenue in Alpena, Michigan 49707. These include boilers #1, #2 and #3.
15. The exhaust from boilers #1 and #2 are discharged through a common stack while the exhaust from boiler #3 is discharged from a separate stack.
16. The Michigan Department of Environmental Quality (MDEQ) issued a Supplement to Permit No. 440-93 to DPI on November 9, 1993, with revisions on February 6, 1996. This Supplement to Permit incorporates all the conditions from the original Permits to Install No. 224-70A for Boiler No. 3 and Permit to Install No. 344-90 for Boilers No. 1 and No 2.

17. Paragraph 13 under Special Conditions of the Supplement to Permit No. 440-93 states that visible emissions from the #1, #2, and #3 boilers shall not exceed a 6-minute average of 20% opacity, except as specified in Rule 301(1)(a).
18. DPI is subject to Title V permit no. MI-ROP-199600007, issued by the MDEQ and effective December 1, 2003 with revisions on June 7, 2005. This Title V permit incorporates the conditions from Supplement to Permit No. 440-93 including the 20% opacity limit for a 6-minute average established in Paragraph 13 of the Supplement to Permit No. 440-93.

Violations

19. ATTACHMENT A, Table 1 and Table 2 to this notice provides a summary of excess emissions reported by DPI as required by applicable regulations and its Title V permit.
20. Boilers #1 and #2
 - a. DPI reported a total of 13,820 minutes of opacity excess emissions in its quarterly excess emission reports for 2004 and 2005 for boilers #1 and #2.
 - b. DPI's failure to maintain continuous compliance with the applicable opacity emission limits at boilers #1 and #2 during, at least, calendar year 2004 and 2005 is a violation of Title V, Section 502(a) of the Act, and applicable regulation at 40 C.F.R. § 70.7(b); DPI's Title V permit; Michigan SIP R336.1301(1)(a) and (c); and Supplement to Permit No. 440-93, Paragraph 13.
21. Boiler #3
 - a. DPI reported a total of 10,650 minutes of opacity excess emissions in its quarterly reports for 2004 and 2005 for boiler #3.
 - b. DPI's failure to maintain continuous compliance with the applicable opacity emission limits at boiler #3 during, at least, calendar year 2004 and 2005 is a violation of Title V, Section 502(a) of the Act, and

applicable regulation at 40 C.F.R. § 70.7(b); DPI's Title V permit; Michigan SIP R336.1301(1)(a) and (c); and Supplement to Permit No. 440-93, Paragraph 13.

9/11/06
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

ATTACHMENT A

Decorative Panel International, Alpena MI
 2004-2005, Quarterly Excess Emissions Summary for Boiler #1/2, and #3

Table 1: Excess Emissions Summary by Quarter and Process Unit

Unit	Quarter/year	Excess Emissions (Minutes)
		Opacity
Boiler #1/2	Q1-2004	1,020
	Q2-2004	1,146
	Q3-2004	1,056
	Q4-2004	1,220
	Q1-2005	618
	Q2-2005	3,984
	Q3-2005	2,574
	Q4-2005	2,202
	2-Year Total	13,820
Boiler #3	Q1-2004	1,128
	Q2-2004	816
	Q3-2004	660
	Q4-2004	984
	Q1-2005	918
	Q2-2005	2,670
	Q3-2005	1,752
	Q4-2005	1,722
	2-Year Total	10,650

NOTES:

Boiler #1/ 2 Opacity: 20 Percent (6-minute average, SIP/ROP)

Boiler #3 Opacity: 20 Percent (6-minute average, SIP/ROP)

CERTIFICATE OF MAILING

I, Betty Williams, certify that I sent a Notice of Violation/Finding of Violation, No. EPA-5-06-12-MI, by Certified Mail, Return Receipt Requested, to:

Wayne T. Swallow,
Plant Environmental Manager
Decorative Panels International, Inc.
416 Ford Ave
Alpena, MI 49707

I also certify that I sent copies of the Notice of Violation/Finding of Violation, No. EPA-5-06-12-MI, by first class mail to:

Tom Hess
Enforcement Unit Supervisor
Michigan Department of Environmental Quality
Air Quality Division
525 W. Allegan
P.O. Box 30260
Lansing, Michigan 48909

Gloria Torello,
Environmental Quality Analyst
Department of Environmental Quality
2100 West M-32
Gaylor, MI 49735-9282

on the 11th day of September 2006.


Betty Williams, Secretary
AECAS (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER:

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