



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

AUG 03 2006

REPLY TO THE ATTENTION OF:

(AE-17J)

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Richard A. Rausch, Environmental Manager
Dow Corning Corporation
Michigan Site Environmental Services
3901 S. Saginaw Road
Midland, Michigan 48640-5670

Re: Notice of Violation
Finding of Violation
Dow Corning Corporation
Midland, Michigan

Dear Mr. Rausch:

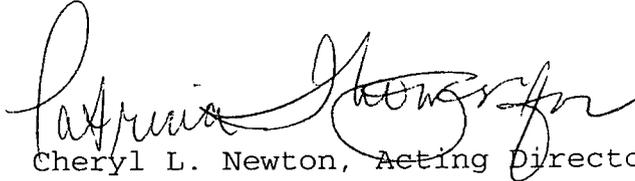
The United States Environmental Protection Agency (U.S. EPA) is issuing the enclosed Notice of Violation and Finding of Violation (NOV/FOV) to Dow Corning Corporation (you). We find that you are violating Section 502 of the Clean Air Act, 42 U.S.C. § 7661a, and the Michigan State Implementation Plan at your Midland, Michigan facility.

We have several enforcement options under Section's 113(a)(1) and 113(a)(3) of the Clean Air Act, 42 U.S.C. § 7413(a)(1) and 47 U.S.C. §(a)(3). 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 FOV.

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

The U.S. EPA contact in this matter is Kathy Memmos. You may call her (312) 353-4293 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: Thomas Hess, Enforcement Supervisor
Michigan Department of Environmental Quality - Air
Quality Division
Lansing District Office

Gerald Avery, Field Operations Supervisor
Michigan Department of Environmental Quality - Air
Quality Division
Lansing District Office

Mark Reed, District Supervisor
Michigan Department of Environmental Quality - Air
Quality Division
Saginaw Bay District Office

United States Environmental Protection Agency
Region 5

IN THE MATTER OF:

Dow Corning Corporation)
Midland, Michigan)
)
PROCEEDING PURSUANT TO)
THE CLEAN AIR ACT,)
42 U.S.C. §§ 7401 et seq.)
)

NOTICE OF VIOLATION AND
FINDING OF VIOLATION

EPA-5-06-MI-10

NOTICE OF VIOLATION AND FINDING OF VIOLATION

The United States Environmental Protection Agency (U.S. EPA) finds that Dow Corning Corporation (Dow Corning) has violated Section 502 of the Clean Air Act, 42 U.S.C. § 7661a, and the Michigan State Implementation Plan. Specifically, Dow Corning has violated its Title V Permit, including applicable Michigan SIP requirements, issued by the State of Michigan, as stated below:

Regulatory Authority

1. 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 except in compliance with a Title V permit.
2. U.S. EPA granted final interim approval to the Michigan Title V operating permit program on January 10, 1997. 62 Fed. Reg. 1387. The program became effective on February 10, 1997. The Michigan Title V program was granted final full approval by U.S. EPA, effective November 30, 2001. 66 Fed. Reg. 62949. See 40 C.F.R. Part 70, Appendix A.
3. The Michigan State Implementation Plan (SIP), R 336.1201, states, in part, that a person shall not install or

construct 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.

4. On May 6, 1980, R 336.1201 was approved by the U.S. EPA as part of the federally enforceable Michigan SIP and became effective on the same date. See 45 Fed. Reg. 29790.
5. The Michigan SIP, R 336.1702(a) states, in part, that a person who is responsible for any new source of volatile organic compound emissions shall not cause or allow the emission of VOC emissions from the new source in excess of the lowest maximum allowable emission rate listed by the commission on its own initiative or based upon the application of the best available control technology.
6. On November 7, 1994, R 336.1702(a) was approved by U.S. EPA as part of the federally enforceable Michigan SIP and became effective the same date. See 59 Fed. Reg. 46182.
7. The Michigan SIP, R 336.1331, states, in part, that it is unlawful for a person to cause or allow emissions of particulate matter from any process or process equipment in excess of any limits specified by R 336.1331.
8. On June 11, 1992, R 336.1331 was approved by U.S. EPA as part of the federally enforceable Michigan SIP and became effective on July 13, 1992. See 57 Fed. Reg. 24752 and 57 Fed. Reg. 24752.
9. The Michigan SIP, R 336.1910, states that any air-cleaning device shall be installed, maintained and operated in a satisfactory manner and in accordance with these rules and existing laws.
10. On May 31, 1972, U.S. EPA approved R 336.1910 as part of the federally enforceable Michigan SIP. See 37 Fed. Reg. 10842. On May 6, 1980, a revision to R 336.1910 was approved by the U.S. EPA and became federally effective. See 45 Fed. Reg. 29790.

Factual Background

11. Dow Corning operates and maintains, among other things, a silicone rubber manufacturing process and a methylvinylchlorosilane production process located at 3901 South Saginaw Road, Midland, Michigan.
12. Dow Corning's Midland facility is a major source of criteria air pollutants and therefore is subject to 40 C.F.R. Part 70, State Operating Permit Programs.
13. On May 8, 2002, the Michigan Department of Environmental Quality (MDEQ) issued a Renewable Operating Permit (ROP) Number 199600217 to Dow Corning.
14. Table E-1.3 EG207-01, Condition V.1 of the ROP states that the exit gas temperature of the glycol condenser located in the silicon rubber manufacturing process (EG207-01) shall not exceed 40 degrees Fahrenheit. See also R 336.1702(a) and R 336.1201.
15. Table E-1.5 EG207-03, Condition V.3 of the ROP states that the reading on the online particulate detectors for the fumed silica and crystalline silica dust collectors (nos. 19314, 22409, 22419 and 19313) located in the LSR (rubber manufacturing) batch mixer process (EG207-03) shall not exceed 10 percent for more than two minutes. See also R 336.1331 and R 336.1201.
16. Table E-1.5 EG207-03, Condition III.2 of the ROP states that the permittee shall monitor and record, on a continuous basis, the following parameters with instrumentation acceptable to MDEQ's Air Quality Division (AQD) located in the LSR (rubber manufacturing) batch mixer process (EG207-03): water makeup rate for water scrubber no. 22412, liquid flow rate of venturi scrubber no. 22426, reading on the online particulate detectors (in terms of %) for dust collector nos. 19313, 19314, 22409 and 22419. See also R 336.1213(3).
17. Table E-1.9 EG2504-01, Condition V of the ROP states that the permittee shall not operate the process, except for packaging and filtration, unless the vent recovery system is installed and operating properly in its silicone products manufacturing process (EG2504-01). Proper operation of the vent recovery system includes a minimum

compressor outlet pressure of 90 pounds per square inch gauge and a maximum condenser vapor outlet temperature of 65 degrees Fahrenheit. See also R 336.1910 and R 336.1201.

18. Table E-1.31 EG322-02, Condition VI of the ROP states that the permittee shall not operate EG322-02 (including product receiver tank #7664) unless scrubber no. 22452 or scrubber no. 7686 is installed and operating properly in its methylvinylidichlorosilane production. See also R 336.1910 and R 336.1201.
19. Table F-1.12 FG322SCRUBBERS, Condition III.2 of the ROP states, in part, that the permittee shall monitor and record, on a continuous basis, the liquid flow rate of scrubber no. 22452 with instrumentation acceptable to AQD. See also R 336.1702(a) and R 336.1201.
20. Table F-1.12 FG322SCRUBBERS, Condition V of the ROP states that the liquid flow rate of scrubber no. 22452 and scrubber no. 7686 shall not be less than 10.0 and 2.8 gallons per minute, respectively. See also R 336.1702(a) and R 336.1201.
21. Table F-1.3 FG304, Condition V of the ROP states that the maximum exit temperature of the exhaust gas from condenser #2044 shall not exceed-76 degrees Celsius. See also R 336.1910 and R 336.1201.

Violations

22. Dow Corning exceeded the 40 degrees Fahrenheit exit gas temperature of the glycol condenser located in the silicon rubber manufacturing process (EG207-01) on the following days and duration:

Date	Duration (mins)
October 9, 2005	220
October 30, 2005	96
December 26, 2005	1053
February 25, 2006	2048
May 30, 2006	15

This is a violation of Table E-1.3 EG207-01, Condition V.1

of the ROP, R 336.1702(a) and R 336.1201.

23. Dow Corning exceeded the 10 percent opacity limit for more than two minutes from its hopper 2 LSR rubber manufacturing batch mixer process (EG207-03) on the following days and duration:

Date	Duration (mins)
August 3, 2005	364
April 6, 2005	68

This is a violation of Table E-1.5 EG207-03, Condition V.3 of the ROP, R 336.1331 and R 336.1201.

24. Dow Corning failed to record the make up water rate for water scrubber no. 22426 or the liquid flow rate of the venturi scrubber no. 22426 from November 10 through November 14, 2005. This is a violation of Table E-1.5 EG207-03, Condition III.2 of the ROP and R 336.1213(3).
25. Dow Corning exceeded the 65 degree Fahrenheit vent compressor condenser vapor outlet temperature limit from its silicone products manufacturing process (EG2504-01) on the following days and duration:

Date	Duration (mins)
June 30, 2004	30
August 16, 2004	12
August 27, 2004	112
November 27, 2004	55
September 1, 2005	167
September 12, 2005	49
November 23, 2005	20
December 9, 2005	21
April 25, 2006	31
April 30, 2006	23
May 8, 2006	33
February 10, 2006	24

This is a violation of Table E-1.9 EG2504-01, Condition V of the ROP, R 336.1910 and R 336.1201.

26. Dow Corning failed to maintain a 10 gallon per minute flowrate from its primary scrubber (scrubber no. 22452) in its methylvinylchlorosilane production (EG322-02) on the following days and duration:

Date	Duration (mins)
July 1 - December 15, 2005	26,235
January 1 - May 30, 2006	22,770

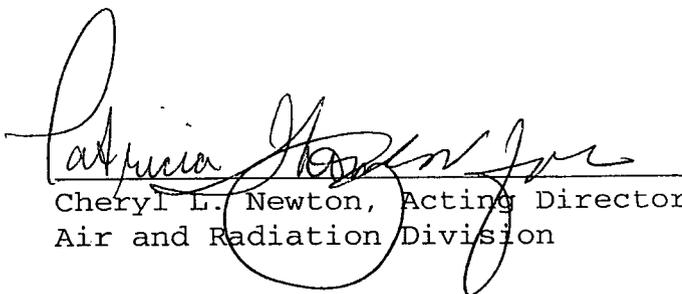
This is a violation of Table F-1.12 EG322SCRUBBERS, Condition III.2, Condition V, and of Table E-1.31 EG322-02, Condition VI of the ROP.

27. Dow Corning exceeded the -76 degrees Celsius limit from the exhaust gas of condenser #2044 (EG304) on the following days and duration:

Date	Duration (mins)
January 11, 2004	15
June 15, 2004	15
July 22, 2004	45
July 25, 2004	75
October 4, 2005	15

This is a violation of Table F-1.3 FG304, Condition V of the ROP, R 336.1910 and R 336.1201.

8/3/06
Date


Cheryl L. Newton, Acting Director
Air and Radiation Division

CERTIFICATE OF MAILING

I, Shanee Rucker, certify that I sent a Notice of Violation and Finding of Violation, No. EPA-5-06-MI-10, by Certified Mail, Return Receipt Requested, to:

Richard A. Rausch, Environmental Manager
Dow Corning Corporation
Michigan Site Environmental Services
3901 S. Saginaw Road
Midland, Michigan 48640-5670

I also certify that I sent copies of the Finding of Violation by first class mail to:

Thomas Hess, Enforcement Supervisor
Michigan Department of Environmental Quality - Air Quality
Division
Lansing District Office
525 W. Allegan (Constitution Hall, 4th Floor, North)
P.O. Box 30242
Lansing, Michigan 48909-7742

Gerald Avery, Field Operations Supervisor
Michigan Department of Environmental Quality - Air Quality
Division
Lansing District Office
525 W. Allegan (Constitution Hall, 4th Floor, North)
P.O. Box 30242
Lansing, Michigan 48909-7742

Mark Reed, District Supervisor
Michigan Department of Environmental Quality - Air Quality
Division
Saginaw Bay District Office
503 N. Euclid Avenue
Bay City, Michigan 48706-2965

on the 4th day of August, 2006

Shanee Rucker
Shanee Rucker
Administrative Program Assistant
AECAS (MI/WI)

CERTIFIED MAIL RECEIPT NUMBER: 7001 0320 0006 1455 0693