



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

VIA E-MAIL

**ENFORCEMENT NOTICE**

In the matter of:

Wright Coating Technologies  
1603 North Pitcher Street  
Kalamazoo, Michigan 49007

SRN: N0991  
Kalamazoo County

Site Identification Number: MID 097 806 004; Waste Data System Number 398020

ATTENTION: Mr. Jim Grimes, Maintenance Supervisor

This Enforcement Notice is to advise you of the commencement of an enforcement action against Wright Coating Technologies (WCT), doing business at 1603 North Pitcher Street, Kalamazoo, Kalamazoo County, Michigan, by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD) and Air Quality Division (AQD). This action is in response to Violation Notices (VNs) issued by EGLE on June 29, 2021, July 14, 2021, and August 25, 2021, which are provided as Attachments 1-3 to this Enforcement Notice for reference.

In the VN issued June 29, 2021, WCT was cited by EGLE staff for multiple violations of Part 111 (Part 111), Hazardous Waste Management, of the Michigan's Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), Michigan Compiled Laws (MCL) 324.11101 *et seq.*; the administrative rules promulgated pursuant to Part 111; and the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended (RCRA). Specifically, EGLE staff alleges that WCT failed to characterize all waste streams, including the spent coating booth filters from their primer spray line that were burned in WCT's burn-off ovens (Rule 302(1)). These filters were ultimately determined by WCT to be a hazardous waste, which led to the determination that the Facility had been incinerating hazardous waste, as a form of treatment, without an operating license issued under Part 111 (MCL 324.11123; Parts 5-8 of the Part 111 Rules). WCT was also cited for the following violations under Part 111:

- Failure to determine if all solid waste streams are a hazardous waste (Rule 302(1)). The hazardous waste determination for each waste must be made at the point of waste generation, before dilution, mixing, or other alteration of the waste occurs (Rule 302(1)(a)).

- Failure to determine the proper hazardous waste generator category. A generator's category is based on the amount of hazardous waste generated each month (Rule 303(1)). Based on the generator category determined under this rule, the generator shall meet all the applicable requirements listed in R 299.9301. A generator's category also determines which provision of R 299.9301 to R 299.9307 must be met to obtain an exemption from the licensing, interim status, and operating requirements when accumulating hazardous waste (Rule 303(6)).
- Failure as a small quantity generator to at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers (Rule 306(1)(d)(i)(E)). Small quantity generators shall keep documentation of all inspections, training, and other records required under R 299.9306 for not less than 3 years (Rule 311(7)).
- Failure to label hazardous waste accumulation containers with all of the following (Rule 306(1)(d)(i)(G)):
  - a. The words "Hazardous Waste" (Rule 306(1)(d)(i)(G)(I)).
  - b. A description of the waste **OR** the hazardous waste number, **AND** an indication of the hazardous of the contents (Rule 306(1)(d)(i)(G)(II)).
  - c. The date upon which each period of accumulation begins (Rule 306(1)(d)(i)(G)(III)).
- Failure as a small quantity generator to accumulate hazardous waste on site for no more than 180 days (Rule 306(1)(a)).
- Failure as a small quantity generator to comply with 6,000 kilograms accumulation limitation (may never exceed) (Rule 306(1)(c)).
- Failure as a small quantity generator to re-notify (using the form EQP 5150) by September 1, 2021, and every 4 years thereafter (Rule 308(5)).

Please note your VN responses dated July 29, 2021, and August 24, 2021, have been received and reviewed.

In the VNs issued July 14, 2021, and August 25, 2021, WCT was cited by EGLE staff for multiple violations of Part 55, Air Pollution Control, of the NREPA, MCL 324.5501 *et seq.*; the administrative rules promulgated thereunder; and Permit to Install (PTI) Number 212-16. Specifically, EGLE staff alleges that WCT failed to conduct the required Method 24 testing on their coatings and for violating their PTI by burning the spent coating booth filters in WCT's burn-off ovens.

The subsequent hazardous waste determination for the spent coating booth filters and the associated incineration of the spent filters also made these activities subject to 40 CFR Part 63, Subpart EEE - National Emissions Standards for Hazardous Air Pollutants from Hazardous Waste Combustors, with which WCT failed to comply.

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Wright Coating Technologies  
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EGLE is authorized by the U.S. Environmental Protection Agency (U.S. EPA) to administer the RCRA hazardous waste management program in Michigan. In order to maintain this authorization, EGLE is required to follow the guidance on the definition and identification of a significant non-complier (SNC) in the U.S. EPA Hazardous Waste Civil Enforcement Response Policy. Due to the nature of the above-referenced violations, WCT meets the definition of a SNC under this federal policy. The policy requires that these violations be resolved through a formal enforcement action to include both correction of the violation and payment of a penalty.

The violations referenced herein are deemed significant and require formal resolution through entry of a legally enforceable agreement called an Administrative Consent Order (Consent Order). Pursuant to MCL 324.11151 and MCL 324.5528, EGLE proposes entry of a Consent Order that will include a compliance program and payment of a monetary penalty as an appropriate means of resolving this matter.

You are requested to meet with staff of EGLE to discuss the alleged violations and their resolution through entry of a Consent Order at a virtual or teleconference meeting. The purpose of the meeting is to: (1) provide you with an opportunity to demonstrate compliance by presenting any documentation or factual information that should be considered regarding the alleged violations; and (2) discuss options for satisfactorily resolving the violations. **In order to be considered, such documentation and information must be submitted, to EGLE's contact person identified below, prior to or at the scheduled meeting.** This offer to meet with staff of EGLE to discuss this enforcement action and its proposed resolution is made pursuant to MCL 324.1511.

You must respond to the EGLE contact person identified below, by no later than ten business days after receipt of this Enforcement Notice, to advise EGLE of your intentions and to make any necessary arrangements for a meeting and/or submittal. You are requested to promptly take all necessary actions to correct the alleged violations.

Be advised that failure to respond to this Enforcement Notice may result in withdrawal of this settlement offer and may subject WCT to further enforcement proceedings including, but not limited to, the assessment of additional civil fines, the cost of surveillance and enforcement, and referral of the matter to the Michigan Department of Attorney General for commencement of civil litigation. Be further advised that this Enforcement Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

The contact person for EGLE in this matter is Ms. Melinda Shine, Enforcement Specialist. Ms. Shine may be reached at 517-256-9062; ShineM@Michigan.gov; or Enforcement Section, MMD, EGLE, P.O. Box 30241, Lansing, Michigan 48909-7741.

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We are committed to a fair and rapid settlement of this matter, and we anticipate and appreciate your cooperation.

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

By: Alexandra Clark  
Alexandra Clark, Manager  
Enforcement Section  
Materials Management Division

Date: 2/17/2022

By: Jenine Camilleri  
Jenine Camilleri, Supervisor  
Enforcement Unit  
Air Quality Division

Date: 2/23/2022

Enclosures

cc: Ms. Julie Morris, U.S. EPA, Region 5  
Ms. Sarah Marshall, U.S. EPA, Region 5  
Ms. Elizabeth M. Browne, EGLE  
Ms. Mary Ann Dolehanty, EGLE  
Ms. Tracy Kecskemeti, EGLE  
Mr. Lonnie Lee, EGLE  
Mr. Chris Ethridge, EGLE  
Mr. Fred Sellers, EGLE  
Mr. Rex Lane, EGLE  
Ms. Krista Hettich, EGLE  
Ms. Monica Brothers, EGLE  
Mr. David Thompson, EGLE  
Ms. Melinda Shine, EGLE  
Mr. Jason Wolf, EGLE



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

June 29, 2021

VIA EMAIL

Jim Grimes  
Wright Coating Technologies  
1603 Pitcher Street  
Kalamazoo, Michigan 49007

Dear Mr. Grimes:

SUBJECT: Violation Notice; Wright Coating Technologies; Kalamazoo County; Site Identification Number MID097806004; Waste Data System Number 398020

On June 16, 2021, staff of the Department of Environment, Great Lakes, and Energy (EGLE), Materials Management Division (MMD), conducted an inspection of Wright Coating Technologies (Wright), located at 1603 Pitcher Street, Kalamazoo, Michigan. The purpose of the inspection was to evaluate 's compliance with Part 111, Hazardous Waste Management, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA); Part 121, Liquid Industrial By-Products, of the NREPA; the corresponding requirements under Subtitle C of the federal Resource Conservation and Recovery Act of 1976, as amended (July 1, 2018 edition); and any administrative rules or regulations promulgated pursuant to these acts. A copy of the completed inspection form can be obtained by contacting this office.

As a result of the inspection, the MMD staff has determined that Wright is in violation of the following at the above-referenced location:

1. A person who generates a waste as defined in R 299.9202 shall make an accurate determination if that waste is a hazardous waste to ensure the waste is properly managed under these rules (Rule 302(1)). The hazardous waste determination for each waste must be made at the point of waste generation, before dilution, mixing, or other alteration of the waste occurs (Rule 302(1)(a)).

Please characterize the filters that are impacted with the primer and MEK to determine if they are a hazardous waste. The determination should be made when the filters are at the end of their normal service life and being replaced. The presence and use of the MEK has the potential to cause the filters to be characteristically and/or a listed hazardous waste.

2. A generator shall determine its generator category. A generator's category is based on the amount of hazardous waste generated each month (Rule 303(1)). Based on the generator category determined under this rule, the generator shall meet all of the applicable independent requirements listed in R 299.9301. A generator's category also determines which provision of R 299.9301 to R

299.9307 must be met to obtain an exemption from the licensing, interim status, and operating requirements when accumulating hazardous waste (Rule 303(6)).

Wright was previously notified as small quantity generator and inspected as such. The actual amount of waste being generated is somewhat unclear. Please reassess the current waste generation to make a quantity-based determination of generator status and communicate what that status is and will be moving forward. Please keep in mind the following items affect generator status:

- Waste intended for on-site elementary neutralization must be counted unless it is managed immediately upon generation. Therefore, if the spent muriatic acid is placed in drums for storage prior to neutralization and discharge (under the current city discharge agreement) then it must be counted towards the waste generator status. These drums must also be labeled as hazardous waste while in storage prior to neutralization.
  - A small or very small quantity generator may have episodic waste generation beyond their usual generator categories if the proper notification and management practices are followed.
3. A small quantity generator must at least weekly, inspect central accumulation areas looking for leaking containers and for deterioration of containers (Rule 306(1)(d)(i)(E)). Small quantity generators shall keep documentation of all inspections, training, and other records required under R299.9306 for not less than 3 years (Rule 311(7)).

Wright had not been performing and recording weekly waste inspections. Wright may use [EGLE's template](#) or any other form of their choosing to record the inspections. Please provide 2-weeks' worth of documents showing that the required inspections are now being performed moving forward.

4. Hazardous waste accumulation containers must be marked with all of the following (Rule 306(1)(d)(i)(G)):
- a. The words "Hazardous Waste" (Rule 306(1)(d)(i)(G)(I)).
  - b. A description of the waste **OR** the hazardous waste number, **AND** an indication of the hazards of the contents (Rule 306(1)(d)(i)(G)(II)).
  - c. The date upon which each period of accumulation begins (Rule 306(1)(d)(i)(G)(III)).

The indication of the hazards of the contents may include the applicable hazardous waste characteristic(s), the hazardous communication consistent with 49 CFR Part 172, subpart E or F, a hazard statement or pictogram consistent with 29 CFR 1910.1200, or a chemical hazard label consistent with NFPA standard no. 704.

Wright's hazardous waste containers were not marked consistently or with all of the required information. The in-house printed marking that was on each tote lacked the words "hazardous waste" and an indication of the hazard. Several drums were not labeled at all. Please provide photographs showing that all of the wastes on-site have been re-labeled with all of the required information. If the waste has already been removed from the site, then please provide a copy of the waste manifest in lieu of labeling photographs. Please also describe what Wright has done to ensure waste containers are labeled properly in the future.

5. A small quantity generator may accumulate hazardous waste on site for no more than 180 days (Rule 306(1)(a)).

The waste primer and MEK drum in the flammable storage room was not marked with an accumulation start date. Based on manifest records this waste stream has not been sent off site for several years, which leads to the assumption that the current drum has been accumulating for more than 180 days. Please have the current MEK/primer waste drum sent for proper disposal and explain how Wright intends to manage the waste moving forward to prevent accumulation over the 180-day limit.

6. The quantity of hazardous waste accumulated at on site at a small quantity generator may never exceed 6,000 kilograms.

At the time of the inspection Wright had well over the small quantity generator's allowable 6,000-kilogram limit of hazardous waste. Please arrange for a waste removal and provide a copy of the hazardous waste manifest.

While not a specific violation, the following additional issue was identified by MMD staff during the course of the inspection. This is provided to assist Wright in maintaining compliance and avoiding future noncompliance.

- A small quantity generator shall [re-notify](#) (using the [EQP 5150](#)) by September 1, 2021 and every 4 years thereafter (Rule 308(5)).

Wright should immediately initiate any actions specified above and other actions necessary to correct the cited violations. Additionally, please submit documentation to this office regarding those actions taken, or to be taken, to address the violations listed above by **July 29, 2021**.

Your response may include additional information relevant to the violations observed for evaluation. The MMD will evaluate your response, determine 's compliance status at the above-referenced location, and notify you of this determination.

This Violation Notice does not preclude, nor limit, EGLE's ability to initiate any other enforcement action under state or federal law, as deemed appropriate.

Jim Grimes  
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June 29, 2021

For more information, guidance, and training on hazardous waste and liquid industrial by-products, go to the [Michigan Guide to Environmental, Health, and Safety Regulations](#), [EGLE Hazardous Waste Webinars](#), or [EGLE Training and Workshops](#).

EGLE anticipates and appreciates your cooperation in resolving this matter. If you have any questions, please feel free to contact me at the telephone number below, or by e-mail at [HettichK@Michigan.gov](mailto:HettichK@Michigan.gov).

Sincerely,



Krista Hettich  
Environmental Quality Analyst  
Kalamazoo District Office  
Materials Management Division  
269-370-8527

KH:ne

cc: Fred L. Sellers; EGLE





GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

July 14, 2021

Mr. Jim Grimes  
Wright Coating Technologies  
1603 North Pitcher Street  
Kalamazoo, Michigan 49007

SRN: N0991, Kalamazoo County

Dear Mr. Grimes:

### VIOLATION NOTICE

On May 25, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Wright Coating Technologies located at 1603 North Pitcher Street, Kalamazoo, Michigan. The purpose of this inspection was to determine the facility's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and the conditions of Permit to Install (PTI) number 212-16;

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Coating Lines (FG-Lines)	PTI # 212-16, Special Condition V.1	Facility has not done Method 24 testing on coatings and has not obtained approval from EGLE to use manufacturer's formulation data.
Coating Lines (FG-Lines)	PTI # 212-16, Special Condition III.2	Facility is burning used coating-booth filters in their burn-off ovens. This is not proper disposal and does not minimize the introduction of air contaminants to the outer air.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by August 4, 2021 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the

Mr. Jim Grimes  
Wright Coating Technologies  
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July 14, 2021

violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to EGLE, AQD, Kalamazoo District, at 7953 Adobe Road, Kalamazoo, Michigan 49009 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Wright Coating Technologies 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.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of the facility. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

*Monica Brothers*

Monica Brothers  
Senior Environmental Quality Analyst  
Air Quality Division  
269-312-2535

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



GRETCHEN WHITMER  
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STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
KALAMAZOO DISTRICT OFFICE



LIESL EICHLER CLARK  
DIRECTOR

August 25, 2021

Mr. Jim Grimes  
Wright Coating Technologies  
1603 North Pitcher Street  
Kalamazoo, Michigan 49007

SRN: N0991, Kalamazoo County

Dear Mr. Grimes:

### VIOLATION NOTICE

On May 25, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection of Wright Coating Technologies located at 1603 North Pitcher Street, Kalamazoo, Michigan. The purpose of this inspection was to determine the facility's compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and the conditions of Permit to Install (PTI) number 212-16.

Following the inspection, an inspector from the Materials Management Division (MMD) informed the Air Quality Division that Wright Coating Technologies was disposing of their spent coating booth filters by incinerating them in their burn-off ovens. Wright Coating Technologies indicated in the facility's response to MMD that upon further assessment the filters were determined to be a hazardous waste. Because the facility had been burning hazardous waste in their burn-off ovens, they became subject to 40 CFR Part 63, Subpart EEE - National Emissions Standards for Hazardous Air Pollutants from Hazardous Waste Combustors. The facility was subsequently also required to obtain a Renewable Operating Permit (ROP) under the Title V program. The facility did not comply with the requirements of 40 CFR Part 63, Subpart EEE and did not apply for an ROP. The associated violations are outlined in the following table.

Process Description	Rule/Permit Condition Violated	Comments
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1206(c)(2)	Facility did not submit a Startup Shutdown Malfunction Plan.
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1206(c)(6)	Facility did not develop and implement a training program for certified operators.

Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1206(c)(7)	Facility did not develop an Operation and Maintenance Plan.
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1206(c)(9)	Facility did not install a Particulate Matter Detection System (PMDS).
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1207	Facility has not conducted required performance testing.
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1209	Facility has not installed a Continuous Emissions Monitoring device (CEMS).
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1210	Facility has not submitted notification that they are subject to 40 CFR Part 63, Subpart EEE or notification of compliance.
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	40 CFR 63.1211	Facility has not been reporting or keeping records associated with 40 CFR Part 63, Subpart EEE.
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	R 336.1210(5)(d)	Facility failed to apply for a Renewable Operating Permit (ROP) within twelve months of becoming subject to 40 CFR Part 63, Subpart EEE.
Burn-off Ovens (Pacific Kiln #500 and Steelman Furnace)	R 336.1211(1)(g)(ii)	Facility failed to obtain and operate in compliance with and ROP.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by September 15, 2021 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Mr. Jim Grimes  
Wright Coating Technologies  
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August 25, 2021

Please submit the written response to EGLE, AQD, Kalamazoo District, at 7953 Adobe Road, Kalamazoo, Michigan 49009 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Wright Coating Technologies 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.

Thank you for your attention to resolving the violations cited above and for the cooperation that was extended to me during my inspection of the facility. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

*Monica Brothers*

Monica Brothers  
Senior Environmental Quality Analyst  
Air Quality Division  
269-312-2535

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