

July 19, 2018

Via Email

Mary A. Douglas
District Supervisor
Air Quality Division
Michigan Department of Environmental Quality
7953 Adobe Road
Kalamazoo, Michigan 49009-5025

 **E-MAILED**
7/19/18

Re: **Perrigo Company, SRN 7276**

Dear Ms. Douglas:

We are environmental legal counsel for the Perrigo Company ("Perrigo"). On our client's behalf, we wish to respond to the Violation Notice dated June 26, 2018. This violation notice essentially asserts that Perrigo should be considered a major source for VOCs based upon the allowed PTE under PTI No. 416-93C and PTI No. 208-89B as issued in 2009.

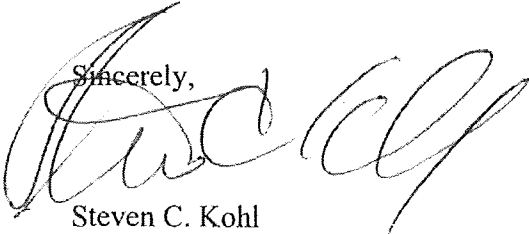
From our understanding of the circumstances, it would appear that until June of 2018 neither the Michigan Department of Environmental Quality ("MDEQ") nor Perrigo recognized that the two permits, when aggregated together, allowed more than 100 tons per year of VOC emissions. It may well be that the mutual failure to recognize the cumulative allowed emissions was the result of Perrigo's actual emissions being a fraction of the permit allowed emissions. While Perrigo does not admit that the 2009 permitting triggered any obligation to obtain a Renewable Operating Permit ("ROP") under the MDEQ's Part 2 rules, Perrigo understands the MDEQ's need to assure compliance with its rules and the federal Clean Air Act.

The Violation Notice requested Perrigo submit, within 60 days, an application for an ROP. This may be the appropriate action for a facility that does emit or expects to emit one or more criteria pollutants or federal HAPs above major source thresholds, but based upon our consultations with Perrigo, this does not appear to be appropriate for the Allegan facility. Perrigo has identified within current versions of the above-referenced permits tons of allowable VOC emissions that can be readily reduced or eliminated. Rather than submitting an application for an ROP, Perrigo intends, through permits to install, to assure that its allowed emission are less than

major source thresholds. Perrigo is confident that its emissions now, in the past, and into the future have been, are, and will remain well below major source thresholds.

To the extent necessary in support of the permit application process, Perrigo will develop and submit to the MDEQ potential to emit calculations. Perrigo will endeavor to submit the appropriate permit application(s) to the MDEQ no later than the beginning of September 2018 and will apprise Kalamazoo District of any need to alter this target. If appropriate, Perrigo is more than willing to meet with the District and the Air Quality Division permit section to discuss its development of a permit application so as to assure that the permitting effort, going forward, will satisfy the MDEQ's concerns.

Please feel free to contact me if you have any questions.

Sincerely,

Steven C. Kohl

SCK/sck

Cc:

Mr. Scott Schroeder – Perrigo
Mr. Cody Yazzie – MDEQ
Mr. Chris Ethridge – MDEQ
Mr. Craig Fitzer – MDEQ
Ms. Mary Ann Dolehanty - MDEQ