



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF ENVIRONMENTAL QUALITY  
KALAMAZOO DISTRICT OFFICE



C. HEIDI GREYER  
DIRECTOR

November 7, 2018

Mr. Joseph Lynch, President  
BASF Corporation  
100 Campus Drive  
Florham Park, New Jersey 07932

SRN: P0089, Calhoun County

Dear Mr. Lynch:

**VIOLATION NOTICE**

On August 2, 2018, the Michigan Department of Environmental Quality (MDEQ), Air Quality Division (AQD), Kalamazoo District Office, received an initial Notice of Compliance Status Report (NOCSR) from BASF Toda America LLC (Facility), located at 4750 West Dickman Road, Battle Creek, Michigan. The Facility is an affected source under National Emission Standards for Hazardous Air Pollutants for Chemical Manufacturing Area Sources, pursuant to 40 CFR Part 63, Subpart VVVVV.

Based on a review of the initial NOCSR, staff of the AQD, Kalamazoo District Office, noted the following violations:

Process Description	Rule/Permit Condition Violated	Comments
Chemical Manufacturing Process Unit (CMPU)	40 CFR 63.11501(b)	Failure to submit an initial NOCSR within 180 days of startup (Facility commenced operations 12/6/10) of the affected source.
CMPU	40 CFR 63.11501(d)	Failure to submit semi-annual compliance reports during periods where any events described in paragraphs (d)(i) through (d)(7) of this section occurred during the reporting period.
CMPU	40 CFR 63.11494(e)	Failure to submit a Renewable Operating Permit Application no later than 12/21/13. Any area source that installed a federally enforceable control device on an affected CMPU is required to obtain a permit under 40 CFR Part 70, if the control device on the affected CMPU is necessary to maintain the source's emissions at area source

		levels. Based on potential to emit calculations for single and combined hazardous air pollutant (HAP) submitted with the Facility's permit to install application No. 70-10, uncontrolled emissions exceed major source thresholds for both single and total combined HAPs.
CMPU	40 CFR 63.11495(a)(3)	Failure to conduct quarterly inspections of each CMPU between calendar year 2011 and the first quarter of calendar year 2018.
CMPU	40 CFR 63.11496(f)(3)(i) and (f)(5)	Failure to prepare a monitoring plan containing the information required in paragraphs (f)(3)(i)(A) through (E) of this section, including a operation and maintenance plan for the control device and continuous monitoring system.
CMPU	40 CFR 63.11496(f)(3)(ii)	Failure to conduct a performance test or an engineering assessment for each CMPU subject to a HAP metals emission limit in Table 4 of this Subpart.
CMPU	40 CFR 63.11496(f)(4)	Failure to install, operate, and maintain a bag leak detection system on all baghouses used to comply with the HAP metals emission limit in Table 4 of this Subpart.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by November 28, 2018 (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 recurrence.

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

If the Facility 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.

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Thank you for your attention to resolving the violations cited above. If you have any questions regarding the violations or the actions necessary to bring this Facility into compliance, please contact me at the telephone number listed below.

Sincerely,



Rex I. Lane  
Senior Environmental Quality Analyst  
Air Quality Division  
269-567-3547

RIL:CF

cc: Mr. David Sheaves, BASF  
Ms. Mary Ann Dolehanty, MDEQ  
Mr. Craig Fitzner, MDEQ  
Mr. Christopher Ethridge, MDEQ  
Ms. Jenine Camilleri, MDEQ  
Ms. Mary Douglas, MDEQ