

STATE OF MICHIGAN
DEPARTMENT OF NATURAL RESOURCES
OFFICE OF DIRECTOR

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JUN - 6 1994

Ans'd.....

In the matter of administrative proceedings)
against ENAMALUM CORPORATION, a corporation)
organized under the laws of the State of)
Michigan and doing business at 25460 Novi)
Road, City of Novi, County of Oakland,)
State of Michigan)

SIP No. 6-1994

STIPULATION FOR ENTRY OF FINAL ORDER
BY
CONSENT

This proceeding resulted from allegations by the Air Quality Division ("AQD") of Michigan Department of Natural Resources ("MDNR") that Enamalum Corporation, a Michigan corporation ("Company"), located at 25460 Novi Road, City of Novi, County of Oakland, State of Michigan, has operated process equipment consisting of six (6) manual paint spray booths, a flash-off area, and two (2) gas fired curing ovens, and emitted volatile organic compound ("VOC") in excess of allowable limits as established by the Michigan Administrative Code, 1981 AACS, R 336.1621 ("Rule 621") and in violation of the terms and conditions of SIP Order No. 7-1987. Rule 621 is part of the federally approved and enforceable Michigan State Implementation Plan ("SIP") pursuant to Part D of the federal Clean Air Act ("CAA"), 42 USC 7401 et seq. Rule 621 was subsequently revised and submitted to the United States Environmental Protection Agency ("U.S.EPA") as a proposed SIP revision. The Company and MDNR agree to the termination of this proceeding by entry of a Stipulation For Entry Of Final Order By Consent ("Consent Order").

The Company and MDNR stipulate as follows:

1. The Air Pollution Act, 1965 PA 348, as amended ("Act 348"), MCL 336.11 et seq; MSA 14.58(1) et seq is an act to control air pollution in this state.

2. The MDNR Director is authorized pursuant to Section 5 of Act 348 to administer and enforce all provisions of Act 348.

3. The MDNR Director is charged with the investigation and enforcement of all orders, regulations, rules, standards and statutes of the State of Michigan concerning the emission and control of air contaminants.

4. The Director has delegated authority to the AQD Chief to enter into this Consent Order.

5. The termination of this matter by a Consent Order pursuant to Section 16c of Act 348 is proper and acceptable.

6. The signing of this stipulation does not constitute an admission by the Company that the law has been violated.

7. The unpermitted emissions of VOC from the process equipment should be abated and the Company shall achieve compliance with the compliance program and requirements contained in this Consent Order.

8. COMPLIANCE PROGRAM

A. Permit to Install No. 613-92

On and after May 3, 1994, the Company shall fully comply with the terms and conditions of Permit to Install No. 613-92, which is attached as Exhibit A, incorporated by reference, and made an enforceable part of this Consent Order. Permit to Install No. 613-92 was issued by the MDNR to the Company on May 3, 1994, based on the Company's initial application, dated June 16, 1992, as amended by letter dated November 23, 1993.

B. Emission Limitations

(1) On and after May 3, 1994, the VOC emission rate from the miscellaneous metal coating operations, consisting of six (6) manual paint spray booths with dry filters, a flash off area, and two (2) natural gas fired curing ovens for metal parts extreme

performance coating shall not exceed 800 pounds per day nor 4 tons per month nor 45 tons per calendar year, as specified in Exhibit A.

(2) On and after May 3, 1994, the VOC emission rate from the miscellaneous metal coating operations, consisting of six (6) manual paint spray booths with dry filters, a flash off area, and two (2) natural gas fired curing ovens for metal parts extreme performance coating, meeting Architectural Aluminum Manufacturer's Association ("AAMA") performance specification number 605, shall not exceed 6.5 pounds of VOC per gallon of coating (minus water) as applied, as specified in Exhibit A.

(3) On and after May 3, 1994, the VOC emission rate from the miscellaneous metal coating operations, consisting of six (6) manual paint spray booths with dry filters, a flash off area, and two (2) natural gas fired curing ovens for metal parts not meeting AAMA performance specification number 605 shall meet the emission limitations and recordkeeping requirements specified in Rule 621.

RECORDKEEPING REPORTING AND TESTING

9. On and after May 3, 1994, the Company shall keep records of the amount of materials used for Kynar coatings or other polyvinylidene fluoride ("P.V.D.F.") coatings which meet AAMA performance specification 605, on a daily basis, in accordance with procedures approved by the MDNR, AQD Livonia District Supervisor.

10. On and after May 3, 1994, the Company shall determine and keep a separate record of the actual VOC emission rate from the miscellaneous metal parts coating operations and demonstrate compliance with the emission limitations set forth in this Consent Order, in accordance with procedures approved by the MDNR, AQD Livonia District Supervisor.

11. The records required pursuant to this Consent Order shall be kept on file at the plant for a period of at least five years, and shall be made available to the MDNR upon written or verbal request. The records of the actual VOC emission rate generated during each calendar quarter shall be submitted to the MDNR, AQD

Livonia District Supervisor within 30 days following the end of each calendar quarter, in a format approved by the MDNR, AQD Livonia District Supervisor. The first submittal shall be due by July 30, 1994.

NOTIFICATION

12. On and after May 3, 1994, the Company shall provide notification of any abnormal conditions or malfunctions of process and/or control equipment resulting in emissions in violation of this Consent Order, or Rules promulgated pursuant to Act 348, for more than two hours to the MDNR, AQD Livonia District Supervisor. Verbal notice shall be made as soon as possible, but not later than 9:00 a.m. of the next working day. Within 10 calendar days following the occurrence of the abnormal condition or malfunction, the Company shall submit to the MDNR, AQD Livonia District Supervisor a detailed written report which describes the cause, extent and duration of the violation, remedial action taken to correct the violation, and the procedures and corrective measures which have been, or are being, taken to prevent a reoccurrence.

GENERAL PROVISIONS

13. On and after May 3, 1994, except as provided by Rule 285(a), (b) and (c), the Company shall not substitute any coatings for those authorized in this Consent Order without prior notification to, and approval by the MDNR.

14. On and after May 3, 1994, the Company shall not install, construct, reconstruct, relocate, alter, or modify any process, fuel-burning, or refuse-burning equipment or control equipment pertaining thereto, which is required to have a permit pursuant to Rule 201 without first having been issued a permit or other approval by the MDNR.

15. On and after May 3, 1994, if the Company fails to comply with paragraphs 8.B.(1), 8.B.(2) or 8.B.(3) of this Consent Order, the Company shall pay liquidated damages of \$1,000 per violation per day. On and after May 3, 1994, if the Company fails to comply with

any other provision of this Consent Order, the Company shall pay \$500.00 per violation per day. Liquidated damages submitted under this Consent Order shall be by check payable to the State of Michigan within 30 days of demand and shall be delivered to the Assistant Attorney General, In Charge, Natural Resource Division, Stevens T. Mason Building, 8th Floor, 530 West Allegan Street, Lansing, Michigan 48913. Payment of liquidated damages shall not alter or modify in any way the Company's obligation to comply with the terms and conditions of this Consent Order.

16. The Company agrees not to contest the legality of any liquidated damages assessed pursuant to paragraph 15 of this Consent Order, but reserves the right to dispute in a court of competent jurisdiction the factual basis upon which a demand by MDNR of liquidated damages is made.

17. Pursuant to Section 120 of the CAA, 42 USC 7420, the Company may be required to pay a noncompliance penalty for failure to achieve compliance with Act 348 rules.

18. This Consent Order shall be submitted to the United States Environmental Protection Agency as a proposed revision to the Michigan State Implementation Plan in accordance with Part D, Section 110 of the CAA, 42 USC 7410.

19. Upon entry, this Consent Order shall supersede Consent Order SIP No. 7-1987, which thereafter shall be null and void.

20. This abatement program is not a variance subject to the 12 month limitation specified in Section 22 of Act 348, MCLA 336.32; MSA 14.58(22).

21. Enforcement of this Consent Order shall be in the same manner and by the same procedures for all consent orders entered pursuant to Section 16 of Act 348, as amended, MCLA 336.26; MSA 14.58(16), including enforcement pursuant to the Michigan Environ-

mental Protection Act ("MEPA"), 1970 PA 127, MCLA 691.1201 et seq;
MSA 14.528(201) et seq.

The undersigned who is signing this Consent Order for the Company certifies that he/she is fully authorized by the Company to enter into this Consent Order and to execute and legally bind the Company to it.

ENAMELUM CORPORATION

By: James M. Smallegan
James M. Smallegan, President

Date: 6/9/94

The above signatory subscribed and sworn to before me this 9th day of JUNE, 1994.

Elizabeth Caldwell
Notary Public
ELIZABETH CALDWELL
Notary Public Oakland County MI
My Comm. Expires Feb. 25, 1998

Approved as to Content:

Richard L. Johns ACTING
Dennis M. Drake, Acting Chief
Air Quality Division
DEPARTMENT OF NATURAL RESOURCES

Dated: 6-27-94

Approved as to Form:

A. Michael Leffler
A. Michael Leffler
Assistant Attorney General
DEPARTMENT OF ATTORNEY GENERAL

Dated: 6/27/94

FINAL ORDER

The Chief of the Air Quality Division having had opportunity to review the Stipulation for Entry of Final Order by Consent and having been delegated authority to enter into consent by the Director of the Michigan Department of Natural Resources, pursuant to the provisions of the Air Pollution Act,

IT IS ORDERED that this Stipulation for Entry of Final Order by Consent is approved and shall be entered in the record of the Michigan Department of Natural Resources as a Final Order.

MICHIGAN DEPARTMENT OF NATURAL RESOURCES

By: Richard L. Johns **ACTING**
Dennis M. Drake, Acting Chief
Air Quality Division

Dated: 6-27-94