



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

December 20, 2021

VIA E-MAIL and U.S. MAIL

Mr. Robert Richardson
Munson Medical Center
1105 Sixth Street
Traverse City, Michigan 49684

SRN: D5884, Grand Traverse County

Dear Mr. Richardson:

SECOND VIOLATION NOTICE

On July 29, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted a review of site records for Munson Medical Center, located at 1105 Sixth Street, Traverse City, Michigan. The purpose of the review was to determine Munson Medical Center's compliance with the requirements of the federal Clean Air Act; and Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended, and the Air Pollution Control Rules.

On August 10, 2021, the AQD sent Munson Medical Center a Violation Notice citing a violation of Rule 336.1201 of the Air Pollution Control Rules for the installation and operation of an ethylene oxide (EtO) sterilizer discovered as a result of the record review and requested your written response by August 31, 2021. A copy of that letter is enclosed for your reference. Munson submitted a response to the violation notice on August 31, 2021. The response included an assessment indicating Munson Medical Center's Ethylene Oxide Sterilizer met the qualifications for a Permit-to-Install (PTI) exemption via Rule 291. AQD and Munson Medical Center had a meeting on October 25, 2021 to discuss the response to the violation notice, the PTI exemption assessment, and a compliance plan. During the meeting, Munson Medical Center was informed that AQD disagrees with the overall assessment that the EtO sterilizer met the requirements to use a Rule 291 exemption for the following reasons:

- Rule 291(2)(c) states, "The combined potential emissions of all toxic contaminants with screening levels less than 0.005 micrograms per cubic meter shall not exceed 0.006 tons per year."

- The definition for “potential emissions” can be found in the Air Pollution Control Rules, Part 1, Rule 116, Subpart M and states, ““Potential emissions” means those emissions expected to occur without control equipment, unless this control equipment is, aside from air pollution control requirements, vital to production of the normal product of the source or to its normal operation. Annual potential emissions shall be based on the maximum annual-rated capacity of the source, unless the source is subject to enforceable permit conditions or enforceable orders that limit the operating rate or the hours of operation, or both. Enforceable agreements or permit conditions on the type or amount of materials combusted or processed shall be used in determining the potential emission rate of a source.”
- The assessment provided by Munson Medical Center calculated the potential emissions applying the control efficiency of the add-on abator control device claiming 40 CFR Part 63, Subpart WWWW (NESHAP WWWW) establishes an enforceable limitation on potential emission.
- AQD disagrees that Munson Medical Center accurately provided the combined annual potential emissions in their assessment. AQD does not agree that the control device can be accounted for in the calculations for potential emissions. According to the manufacturer’s information provided to us by Munson Medical Center, the EtO sterilizer can be operated without the abator. In addition, NESHAP WWWW does not require the use of a control device nor does it establish limits for the operating rate nor the hours of operation. NESHAP WWWW has one management practice standard that states, “You must sterilize full loads of items having a common aeration time, except under medically necessary circumstances.” This single management practice standard does not limit the hours of operation nor does it require the use of a control device. As such, NESHAP WWWW does not meet the requirement as an enforceable limitation established in the definition of “potential emissions”.
- Using the data and calculation methods provided in Munson Medical Center’s assessment with the edit of using the uncontrolled potential emission rate of 17.6 grams of ethylene oxide per 3.5-hour cycle rather than the controlled emission rate, the potential emissions of ethylene oxide is 0.048 tons per year. This exceeds the limit of 0.006 tons per year established in Rule 291(2)(c).
- As such, the conditions of Rule 291(2)(c) are not met and therefore, the EtO sterilizer does not meet the requirements to qualify for a Rule 291 exemption from the Rule 201 permit to install requirement.

In the August 31, 2021 violation notice response, Munson Medical Center declared that operation of the EtO Sterilizer would continue, and the subsequent December 1, 2021 compliance update indicates the EtO sterilizer will continue to be operated until December 31, 2021. Consequently, Munson Medical Center continues to be in violation of Rule 336.1201 of the Air Pollution Control Rules for the installation and operation of an EtO sterilizer discovered as a result of the record review completed on July 29, 2021.

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The violation should be resolved by obtaining a permit to install or by removing or rendering the EtO sterilizer inoperable. As Munson Medical Center indicated the intent to discontinue the use of the EtO sterilizer by December 31, 2021, please provide a written statement notifying AQD of the date the EtO sterilizer is removed or rendered inoperable. If this date will be after December 31, 2021, AQD must be notified of the date the EtO sterilizer will be removed or rendered inoperable and an explanation for the delay.

Please be advised that failure to submit a written response to this Violation Notice by December 31, 2021 may result in escalated enforcement action by the AQD.

Please submit the written response to EGLE, AQD, Cadillac District, at 120 West Chapin Street, Cadillac, Michigan 49601 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

If you have any questions regarding the violation or the actions necessary to bring Munson Medical Center into compliance, please contact me at the number listed below.

Sincerely,



Jodi Lindgren
Environmental Quality Analyst
Air Quality Division
231-942-2863 / LindgrenJ2@Michigan.gov

cc: Ms. Rachel Brochert Roe, Munson Healthcare
Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olague, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Shane Nixon, EGLE
Ms. Erin Moran, EGLE