



October 11, 2023
Project No. 220602

Scott Miller
Jackson District Office
Air Quality Division
Michigan Department of Environment, Great Lakes, and Energy
State Office Building, 4th Floor
301 East Louis Glick Highway
Jackson, MI 49201-1535

Response to the Letter Dated September 28, 2023
Crimson Holdings (SRN E8117)
Adrian, Michigan

On September 28, 2023, EGLE-AQD issued a Violation Notice (VN) to Crimson Holdings, LLC alleging a violation of Rule 901(b) on September 26, 2023. The specific allegations cited in the VN are as follows.

Process Description	Rule/Permit Condition Violated	Comments
Powdered Egg Manufacturing Facility	R 336.1901(b)	On September 26, 2023, AQD staff followed up on ongoing complaints that were received concerning odors coming from this facility. AQD staff verified that these odors were in violation of Rule 901(b).

Crimson does not agree with EGLE’s assessment that odors observed by EGLE on September 26th constituted a violation of Rule 901 by Crimson Holdings. A violation of Rule 901(b) requires a showing that Crimson caused or permitted the emission of an air contaminant or water vapor in quantities that cause, alone or in reaction with other air contaminants, an unreasonable interference with the comfortable enjoyment of life and property. This requires an unreasonable interference with a particular property owner's use and enjoyment of their property. It requires not only a showing of unreasonable intensity, but frequency and duration as well. The odors allegedly detected by EGLE on September 26th occurred prior to 8:00 a.m., when few people would have been out and about and affected by any odor. EGLE was only in the area from approximately 7:00 a.m. to 8:00 a.m. No one from EGLE returned after that time period to determine whether odors observed were continuing or whether they had simply been present for a short period of time prior to 8:00 a.m. This leaves a limited amount of time for EGLE to have determined that the odors were of a “frequency, duration and intensity” that merits an odor violation.

We cannot point to any activities happening at the Crimson facility that could be the cause of the odors noted by EGLE in its Violation Notice. As EGLE is aware, for the last few months, Crimson Holdings has been operating on a very limited basis due to a court order which limits drying operations from 9:00 p.m. to 6:00 a.m. At the time of EGLE's visit on the 26th, the facility was not operating the egg dryer, as per the order which fact was noted on the EGLE staff report associated with the Violation Notice. Nor were any deliveries or processing of eggs occurring at that time. Had the EGLE inspector stopped at the plant to speak with Crimson personnel, he could have verified that the plant was not in operation and that consideration of other potential sources should be considered.

In fact, there are a number of other potential sources of odor that EGLE should have but did not investigate at the time. At the time of EGLE's odor inspection on the 26th, Crimson Holdings' staff were also out doing their routine morning odor inspection and also noted an odor, however, it was a trash or manure like odor and noted as such on Crimson's odor inspection form. This type of odor is unlikely to be associated with Crimson Holdings. It is worth noting that the 26th was a Tuesday, which was trash day in that area. Trash containers had yet to be collected by the time of EGLE's investigation. Manure is also applied to fields just outside of the city to the east and northeast of the facility. Either of these sources could have been the source of odors observed by Crimson staff and EGLE that morning. There are also other potential sources of odor in the area, including but not limited to 24 facilities licensed to grow, process, or distribute cannabis, a pet crematorium, and a composting facility, none of which to the best of our knowledge, have been inspected recently by EGLE AQD or the City of Adrian. Had the EGLE inspector stopped to speak to Crimson's personnel to see what was happening at the facility at the time, attention may have turned to other potential sources.

Again, Crimson disputes that it was the source of any odors on September 26th that rise to the level of a 901 violation and requests that EGLE withdraw the Violation Notice. That having been said, Crimson Holdings continues to work diligently to prepare the site for installation of the new packed bed scrubber. If you have any questions, please contact me at dhofbauer@crimsonhldg.com (517.208.0904) or our environmental consultant, Lillian Woolley, of Fishbeck, at llwoolley@fishbeck.com (586.489.6876).

Sincerely,



Dan Hofbauer
Plant Manager

By email

Copy: Andrew Drury – EGLE -AQD
Chris Ethridge – EGLE-AQD
Brian Merle – EGLE-AQD
Malcolm Mead O'Brien – EGLE-AQD
Stephanie Weems – EGLE-AQD
Susan Johnson – Butzel
Lillian L. Woolley, PE – Fishbeck