



November 11, 2019

Via Electronic Mail

April Lazzaro
Senior Environmental Quality Analyst
Air Quality Division
Michigan Department of Environment, Great Lakes, and Energy
350 Ottawa Avenue, NW, Unit 10
Grand Rapids, MI 49503
(616) 558-1092

RE: Violation Notice from Michigan Department of Environment, Great Lakes, and Energy to Viant Medical, Inc. on October 29, 2019

Dear Ms. Lazzaro:

Viant Medical, Inc. (Viant) appreciates the opportunity to submit this response to the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) Violation Notice dated October 29, 2019, wherein EGLE alleges that Viant violated Michigan Air Pollution Control Rule 910. Rule 910 provides: "An air-cleaning device shall be installed, maintained, and operated in a satisfactory manner and in accordance with these rules and existing law."

On July 11, 2019, during a routine monthly inspection of the pollution control equipment, Viant discovered that a ¼ inch carbon steel plug in the Chemrox tower had fallen out of the device. Viant replaced the carbon steel plug with another ¼ inch carbon steel plug the same day that the missing plug was discovered. Viant subsequently replaced the missing plug with a 316 stainless steel plug. Based on Viant's monthly fugitive emissions estimates, Viant estimates that a release of 10-15 lbs of ethylene oxide was attributable to the failed plug. The additional estimated emissions did not cause Viant to exceed any applicable standard or limitation identified in Permit No. 605-89B or NESHAP Subpart O. Viant cannot determine the exact date the leak began, but estimates it occurred sometime on or after June 19, 2019 (*i.e.*, the date of the June monthly equipment inspection.) Accordingly, the estimated duration of the leak was no more than 22 days.

As noted above, immediately upon discovery that a plug was missing from the Chemrox tower, Viant took corrective action to address the issue by replacing the plug on the same day. Viant subsequently replaced the missing carbon steel plug with a more robust stainless steel plug. No other actions are necessary to address the alleged violation or prevent a reoccurrence in the future. Viant will continue to conduct monthly inspections of its pollution control equipment until the facility is shut down. Finally, in the event EGLE determines it will seek penalties associated with this alleged violation, Viant disputes EGLE's characterization of the events described above as a violation of law. Viant maintains its pollution control equipment in accordance with applicable maintenance manuals and disagrees that the failed plug constitutes a violation of the law.



We look forward to continuing to work cooperatively to resolve this matter. If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads 'Tricia L. Albert'.

Tricia L. Albert
Vice President and General Counsel
Viant Medical, Inc.
508-321-7507