



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

January 30, 2024

Dear Interested Party:

Thank you for your interest regarding the proposed Administrative Consent Order (ACO) and Permit to Install (PTI), Application No. APP-2023-0141, submitted by Crimson Holdings, LLC (Crimson), to the Michigan Department of Environment, Great Lakes, and Energy (EGLE). The ACO and PTI address cited violations and require a corrective action program including installation of an air pollution control device called a packed bed scrubber to reduce odors from the spray dryer used to manufacture powdered eggs at the facility located at 1336 East Maumee Street in Adrian, Michigan.

Pursuant to state and federal requirements, EGLE held a public comment period that included a virtual public hearing on December 6, 2023, on the proposed ACO and our proposed conditional approval of the permit. The Air Quality Division (AQD) received four written comments during the public comment period and three verbal comments were presented at the public hearing.

After careful consideration of the issues and pursuant to the delegation of authority from the Director of EGLE, I have approved entry of the ACO and issuance of PTI No. 38-06A with modifications made to the proposed permit to reflect that the packed bed scrubber has been installed.

The following comments were submitted during the public comment period or were presented at the public hearing:

Comment

Commenters are concerned that the packed bed scrubber will not eliminate the odors from the facility.

AQD Response

The packed bed scrubber is expected to significantly reduce odors from the spray dryer. However, the scrubber will not control odors from other portions of the facility.

The permit requires Crimson to implement a nuisance minimization plan for odors (NMPO) that applies to the entire facility. The NMPO requires Crimson to implement procedures for maintaining and operating the facility in a manner that minimizes the release of odors to the outside air, implement procedures to address odor complaints, and have a plan for corrective action to address any odor releases to the outside air. Crimson is required to amend the NMPO if it does not adequately address odor management and submit the plan to the AQD for review and approval.

The AQD will respond to any future odor complaints and will take enforcement action as warranted. Note the Consent Order between the AQD and Crimson includes stipulated penalties if there are future odor violations from the facility.

Comment

One commenter expressed concern that the ACO monetary fine is too aggressive.

AQD Response

The monetary fine for Crimson is for violations of the state's nuisance odor rule, Michigan Administrative Code R 336.1901(b) (Rule 901), as well as state and federal air permitting requirements. The AQD consistently followed the United States Environmental Protection Agency Clean Air Act Stationary Source Civil Penalty Policy (USEPA Penalty Policy) to calculate the fine for the state and federal permit violations, which accounts for the length of time and severity of the violations, and how timely and effective the company was at correcting the violations.

The AQD also included monetary fines for verified days of nuisance odors that unreasonably interfered with nearby residents' comfortable enjoyment of life and property in violation of Rule 901. Because the nuisance violations fall solely under the state rules, the USEPA Penalty Policy was not used to calculate this portion of the monetary fine. The AQD consistently applied the state penalty provisions, which allows up to \$10,000 per day that AQD staff verified that the company violated Rule 901.

The AQD believes it has appropriately considered the significance and number of cited violations and the response time taken to implement the packed bed scrubber control equipment, as well as additional measures in the NMPO, to address and resolve the cited violations.

Thank you for your input regarding our review of this permit application. If you have any questions, please contact Andrew Drury, Permit Section, AQD, at 517-648-6663; DruryA@Michigan.gov; or EGLE, P.O. Box 30260, Lansing, Michigan 48909-7760; or you may contact me.

Sincerely,



Annette Switzer, Director
Air Quality Division
517-284-6773

Interested Party
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cc: Senator Joseph Bellino, Jr.
Representative Dale Zorn
Mayor Angela Sword Heath, City of Adrian
Robin Connor, Clerk, City of Adrian
Roxann Holloway, Lenawee County Clerk
Kasee Johnson, REHS/RS, Director, Lenawee County Health Department
Michael Langman, USEPA, Region 5
Constantine Blathras, USEPA, Region 5
Lillian Woolley, Fishbeck
Sydney Hart, Legislative Liaison, EGLE
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Regina Strong, Environmental Justice Public Advocate, EGLE
Jill Greenberg, Public Information Officer, EGLE
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