



**ENVIRONMENTAL PROTECTION DIVISION**

**Richard E. Dunn, Director**

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**Air Protection Branch**

4244 International Parkway  
Suite 120  
Atlanta, Georgia 30354  
404-363-7000

December 18, 2019

**Via Electronic Transmission**

Ms. Ellen Kondracki  
Becton, Dickinson and Company  
Vice President, Sustainability and  
Environment, Health and Safety

**RE: Notice of Violation**

Operating without an Air Quality Permit  
BD Global Distribution Center, Covington, Georgia

Dear Ms. Kondracki:

This letter serves as a Notice of Violation of the Georgia Rules for Air Quality Control (Georgia Rules) to Becton, Dickinson and Company (BD) for operating the Global Distribution Center (GDC), located at 14201 Lochridge Boulevard, Covington, Georgia, without an air quality permit.

Subparagraph 391-3-1-.03(2)(a) of the Georgia Rules requires any person operating a facility or performing an activity which is not exempt under Paragraph 391-3-1-.03(6) from which air contaminants are or may be emitted to obtain an Operating (SIP) Permit from the EPD Director.

The GDC stores product sterilized using ethylene oxide at the BD Covington and BD Madison facilities, as well as product sterilized at other facilities. On December 15, 2019, BD submitted a fugitive emission estimate report for the GDC as required by Paragraph 10 of Attachment A of the October 28, 2019, Consent Order. The report estimated GDC's ethylene oxide emissions at 0.65 pounds per hour. Ethylene oxide is a listed hazardous air pollutant. Any facility that emits or has the potential to emit more than 2 tons per year (or 4,000 pounds per year) of any single hazardous air pollutant is not exempt from the requirement to obtain an air quality permit<sup>1</sup>.

The Division calculates the potential ethylene oxide emissions from the GDC at approximately 5,600 pounds per year.

The Division alleges that BD has violated Subparagraph 391-3-1-.03(2)(a) of the Georgia Rules by operating the GDC without a SIP Operating Permit. In order to address the violations, the Division requests the following actions and/or responses.

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<sup>1</sup> See Subparagraph 391-3-1-.03(6)(i) of the Georgia Rules for Air Quality Control

No later than 5 PM on December 23, 2019, the Company shall stop placing product that has been sterilized using ethylene oxide into the GDC. This temporary stop shall continue until midnight on January 6, 2020. The Company shall notify the Division at least 24 hours prior to placing any product sterilized using ethylene oxide in another warehouse in Georgia.

No later than 5 PM on December 23, 2019, the Company shall submit to the Division the following information:

1. The outdoor monitoring data mentioned on page 2 of the cover letter to the “Estimation of Fugitive Ethylene Oxide Emissions Report.”
2. Updated information on the actions taken or to be taken to address the ethylene oxide emissions at GDC as described in the cover letter to the “Estimation of Fugitive Ethylene Oxide Emissions Report.”
3. The amount of product sterilized using ethylene oxide in the GDC as of the date of this letter, broken down as follows: sterilized at BD Covington; sterilized at BD Madison; sterilized at BD facilities located outside of Georgia; sterilized at non-BD facilities located in Georgia; and sterilized at non-BD facilities located outside of Georgia. If the unit of measure is not pounds, include an explanation of the unit of measure.
4. A schedule for establishing air monitoring within 30 days at or adjacent to the nearest residential areas and the nearest school to the GDC. Monitoring frequency shall be no less than 24-hour samples to be collected every three days. The schedule shall also provide that the results of monitoring shall be transmitted to EPD within one business day of receipt.
5. The locations of any other warehouses in Georgia in which BD places product sterilized using ethylene oxide. Include in your response the amount of product sterilized and where that product was sterilized using ethylene oxide.
6. An explanation of why the post-aeration ethylene oxide emissions at the GDC are not consistent with the information contained in the permit applications for BD Madison and BD Covington. Specifically, the December 15, 2019, report appears to suggest that the amount of ethylene oxide that remains in the product after it leaves the aeration chamber is higher than estimated in the permit applications. Include any past evaluations or monitoring of ethylene oxide emissions that are relevant to your explanation.
7. A plan to stop bringing Foley catheter procedural trays into the GDC until such time as an air quality permit is issued to the facility.
8. A plan to remove existing inventory of Foley catheter procedural trays out of the GDC.
9. The amount of product sterilized using ethylene oxide in the GDC, as of the date of this letter, that that was not subject to the 24-hour aeration time and a plan to transfer that product out of the GDC.
10. Any other information the Company considers relevant to the alleged violation.

No later than December 23, 2019, the Company shall initiate weekly indoor air monitoring and outdoor fence line monitoring at GDC, using the procedures described in the "Estimation of Fugitive Ethylene Oxide Emissions Report," to evaluate the impact of the increased aeration times and other interim steps taken by BD to reduce ethylene oxide emissions. The results of monitoring shall be transmitted to EPD within one business day or receipt. The weekly indoor air monitoring and outdoor fence line monitoring shall continue until the air quality permit is issued.

No product coming into the warehouse after January 6, 2020, shall have been aerated for less than 24 hours.

Within 45 days of receipt of this letter, the Company shall submit the following items to the Division:

1. A permit application for the GDC, including air toxics modeling using the procedures described in EPD's Toxic Impact Assessment Guideline.
2. A schedule for designing and installing air pollution control equipment to capture 100% of the ethylene oxide emissions from the GDC with a destruction efficiency of 99% or more. The schedule shall not exceed nine months.

The information provided by the Company will be reviewed by the Division and will be used to determine if further enforcement action is warranted. Further enforcement action may include a Petition for Civil Penalties of up to \$25,000 per day and/or other legal remedies authorized under Georgia law. The Division has requested assistance from the U.S. Environmental Protection Agency (EPA) in evaluating the "Estimation of Fugitive Ethylene Oxide Emissions Report" due to recent changes in how EPA characterizes ethylene oxide and their recent Advance Notice of Proposed Rulemaking for the National Emission Standards for Hazardous Air Pollutants: Ethylene Oxide Commercial Sterilizers and Fumigation Operations. Additional information requests may be forthcoming after the Division evaluates the Company's initial responses.

**Please respond to this Notice of Violation in writing via electronic transmission as soon as practicable, but no later than 1 PM on December 20, 2019.**

If you have any questions concerning this letter, please contact me at 404-363-7016 or karen.hays@dnr.ga.gov.

Sincerely,



Karen Hays, P. E.  
Chief  
Air Protection Branch