



GEORGIA

DEPARTMENT OF NATURAL RESOURCES

ENVIRONMENTAL PROTECTION DIVISION

Richard E. Dunn, Director

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

09/14/2020

Submitted electronically via SignNow to ewelch@sterilization-services.com

Mr. Eric Welch
Plant Manager
Sterilization Services of Georgia
6005 Boat Rock Boulevard
Atlanta, Georgia 30336

Re: Consent Order No. EPD-AQC-7039
Sterilization Services of Georgia
AIRS No. 121-00010

Dear Mr. Welch:

Enclosed is a copy of the executed Consent Order No. EPD-AQC-7039. Your Company will be expected to meet all the conditions of this Order.

If you have any questions, please contact Sherry Waldron at 404-362-4569 or sherry.waldron@dnr.ga.gov.

Sincerely,

Richard E. Dunn
Director

RED:smt

Enclosure

AIRS No. 121-00010

**STATE OF GEORGIA
DEPARTMENT OF NATURAL RESOURCES
ENVIRONMENTAL PROTECTION DIVISION**

RE: Sterilization Services of Georgia
6005 Boat Rock Boulevard
Atlanta, Georgia 30336
Fulton County

Order No. EPD-AQC- 7039

CONSENT ORDER

WHEREAS, Sterilization Services of Georgia (hereinafter “Respondent”) presently owns and operates an ethylene oxide sterilization facility (hereinafter the “Facility”) in Atlanta, Fulton County, Georgia; and

AUTHORITY

WHEREAS, under the “Georgia Air Quality Act” as amended O.C.G.A. § 12-9-1 et seq. (hereinafter the “Air Quality Act”), the General Assembly of Georgia designated the Director of the Georgia Department of Natural Resources, Environmental Protection Division, (hereinafter the “Director” and “Division”) to administer the provisions of the Air Quality Act; and

WHEREAS, the Rules for Air Quality Control, Chapter 391-3-1, as amended, (hereinafter the “Rules”) are authorized under O.C.G.A. § 12-9-5 of the Air Quality Act, were promulgated in accordance with the Administrative Procedure Act and are effective; and

WHEREAS, O.C.G.A. § 12-9-6 of the Air Quality Act assigns the Director the power to issue permits stipulating in each permit the conditions or limitations under which such permit was issued and the power to issue orders as may be necessary to enforce compliance with the provisions of the Air Quality Act and all rules and regulations promulgated there under; and

HISTORY

WHEREAS, the Director issued Air Quality Permit No. 3841-121-0010-S-03-0 (hereinafter the “Permit”) to the Respondent on November 7, 2019, for the operation of the Facility; and

WHEREAS, the facility is subject to 40 CFR 63 Subpart O “Ethylene Oxide Emissions Standards for Sterilization Facilities” (hereinafter “Subpart O”), which requirements are incorporated into the Permit; and

WHEREAS, Condition 2.5 of the Permit requires the Respondent to reduce ethylene oxide emissions from the Facility’s aeration rooms AR1, AR2, and AR3 by at least 99.0%; and

WHEREAS, on March 12, 2020, the Respondent conducted a performance test for ethylene oxide emissions from the catalytic oxidizer IOX used to reduce ethylene oxide emissions from aeration rooms, and the results of the performance test indicated an average emissions reduction rate of 97.5%, which is less than the required emissions reduction; and in addition, the Respondent conducted a performance test on March 10, 2020, for ethylene oxide emissions from Scrubber 1SC used to reduce ethylene oxide emissions from sterilization chambers CH1, CH2, and CH3; and

WHEREAS, Condition 6.2 and Condition 6.3 of the Permit require performance testing on the sterilization chambers and aeration rooms to be conducted according to the procedures listed in 40 CFR 63.7 according to the applicability in Table 1 of 40 CFR 63.360, the procedures listed in 40 CFR 63.363, and the test methods listed in 40 CFR 63.365; and

WHEREAS, both performance tests used a concentration determination method by means of a Fourier transform infrared (FTIR) Spectrometer with MAX-StarBoost technology in order to

ensure being able to achieve detection of the lowest concentrations of ethylene oxide during the testing; and this method is an alternative to Method 18 prescribed by Subpart O; and

WHEREAS, the Respondent had notified the Division via e-mail on February 24, 2020, that an alternative method request for using the FTIR system had been sent to the U.S. Environmental Protection Agency (hereinafter “EPA”); however, approval for the method was not obtained prior to the March 2020 testing; and

WHEREAS, on March 16, 2020, EPA notified the Division that approval for the alternative method would not be granted retroactively; and based on this information, the Division requested the Respondent to re-test the control efficiency of both the catalytic oxidizer 1OX as well as Scrubber 1SC after obtaining approval for the alternative test method; and

WHEREAS, the Respondent notified the Division that the catalyst on the catalytic oxidizer was replaced on March 17, 2020; and

WHEREAS, on March 20, 2020, the Respondent sent EPA a request for the alternative method using the FTIR for future testing; and approval of the alternative test method request was provided by EPA on March 26, 2020; and

WHEREAS, on March 25, 2020, the Respondent’s testing contractor requested an extension for testing due to concerns about their employees’ health and safety in regard to traveling to conduct testing at the Facility while Atlanta had shelter-in-place orders; and

WHEREAS, on March 27, 2020, the Division sent the Respondent a letter agreeing to the temporary extension; and

WHEREAS, the Division notified the Respondent via e-mail on April 16, 2020, to expect an updated response to require proceeding with the re-test of the oxidizer and scrubber as

expeditiously as possible, but no later than May 29, 2020; and this was requested formally in a letter sent electronically to the Respondent on April 20, 2020; and

WHEREAS, on April 30, 2020, the Respondent notified the Division that a re-test was scheduled for the oxidizer on May 12, 2020, and for the scrubber on May 13, 2020; and

WHEREAS, preliminary results of those tests, conducted on May 12-13, 2020, indicate that the re-tests showed compliance with the control efficiency requirements for each control device as prescribed by the Permit; and

WHEREAS, Condition 6.1 of the Permit requires the Respondent to submit all test results to the Division within sixty (60) days of completion of the testing; and the test report for the March 10-12, 2020, testing was received electronically on May 21, 2020, or 70 days after completion of testing; and

VIOLATIONS

WHEREAS, the Division has determined that the Respondent violated Permit Condition 2.5 by failing to reduce ethylene oxide emissions from the aeration room vent by at least 99.0%; and

WHEREAS, the Division has determined that the Respondent violated Permit Condition 6.1 by failing to submit all test results to the Division within 60 days of completion of the testing; and

WHEREAS, the Division has determined that the Respondent violated Permit Conditions 6.2 and 6.3 by failing to conduct testing on the sterilization chamber vents and aeration room vents, respectively, according to the procedures listed in 40 CFR 63.7 and the test methods listed in 40 CFR 63.365, without prior EPA approval for alternative methods; and

CIVIL PENALTIES

WHEREAS, the Air Quality Act provides that any person violating any provision of the Air Quality Act or any permit condition or limitation established pursuant to this Air Quality Act or failing or refusing to comply with any final order of the Director shall be liable for a civil penalty of not more than \$25,000.00 per day for each separate violation; and

CONDITIONS

WHEREAS, an amicable disposition of these allegations concerning the circumstances reflected in this Consent Order is considered to be in the best interest of the citizens of the State of Georgia; and

WHEREAS, both the Respondent and the Division wish to cooperate fully to resolve the issues in this Order.

NOW THEREFORE, before taking any testimony and without adjudicating the merits of the parties' position in this matter, and without admission or assignment of liability by or to the Respondent, the parties hereby resolve the issues in this case by agreement and upon the order of the Director and the consent of the Respondent as follows:

1. Within 30 days of execution of this Order, the Respondent shall pay to the State of Georgia the sum of \$27,000 in settlement for the violations alleged by this Order and set forth herein. This payment shall be made payable to the Georgia Department of Natural Resources and submitted to the following address:

Georgia Department of Natural Resources
Environmental Protection Division, Air Protection Branch
4244 International Parkway, Suite 120
Atlanta, Georgia 30354

Addresses. Correspondence and other submissions to be made to the Division shall be addressed to: Sean Taylor, Program Manager, Stationary Source Compliance Program, 4244 International Parkway, Suite 120, Atlanta, Georgia 30354. Correspondence to Respondent shall be addressed to: Eric Welch, Plant Manager, Sterilization Services of Georgia, 6005 Boat Rock Boulevard, Atlanta, Georgia 30336.

Permit Compliance. This Order does not relieve Respondent of any obligations or requirements of the Permit except as specifically authorized herein; which authorization shall be strictly construed.

Public Notice and Comment. This Order is subject to public notice and comment upon final approval by the Director.

Time of Essence. Time is of the essence of this Order. Upon it becoming effective, Respondent shall promptly commence its undertakings required herein and shall diligently pursue the accomplishment thereof.

This Order does not waive the Director's right to take further enforcement action against Respondent, or imply that the Director will not take such action, either for (1) the violations alleged herein if Respondent fails to fully comply with the conditions of this Order, or (2) violations not alleged herein based on any other relevant requirements of this Order, the law, rules, and permit(s). Issuance of this Order does not waive the Director's right to use the violations alleged herein, upon sufficient evidence, to show past violations in any subsequent enforcement proceeding.

This Order is executed and entered solely for the purpose of resolving and disposing of the alleged violations set forth herein and does not constitute a finding, adjudication, or evidence of a violation of any law, rule, or regulation by Respondent, and, by consenting to this Order, Respondent does not admit to any factual allegation contained herein or to any violations of State laws. In addition, this Order is not intended to create and it shall not be construed or otherwise

deemed to recognize or create any claim, right, liability, estoppel, or waiver of rights in favor of any third-party or parties.

By agreement of the parties, this Order shall have the same force and binding effect as a Final Order of the Director, and shall become final and effective immediately upon its execution by the Director. The parties further agree that this Order shall not be appealable by Respondent, and Respondent hereby waives its right to initiate any administrative or judicial hearing on the terms and conditions of this Order.

Unless modified or terminated by a subsequent order, or otherwise specified in writing by the Director, this Order shall be deemed satisfied and terminated upon full, complete, and timely performance of each and every condition set forth herein.

The parties agree that any electronic signatures on this Consent Order constitute original, valid signatures pursuant to the Uniform Electronic Transactions Act, O.C.G.A. § 10-12-1 et seq.

It is so ORDERED, CONSENTED, and AGREED to this 14th day of September, 2020.



Richard E. Dunn
Director, Environmental Protection Division

FOR RESPONDENT: Sterilization Services of Georgia

BY: Eric Welch

NAME: Eric Welch (printed)

TITLE: Plant Manager

DATE: 08/04/2020