



GRETCHEN WHITMER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF  
ENVIRONMENT, GREAT LAKES, AND ENERGY  
BAY CITY DISTRICT OFFICE

**EGLE**  
LIESL EICHLER CLARK  
DIRECTOR

September 15, 2020

Mr. Kelly Scheffler  
Michigan Sugar Company – Bay City  
2600 South Euclid Avenue  
Bay City, Michigan 48706

SRN: B1493, Bay County

Dear Mr. Scheffler:

**VIOLATION NOTICE**

On September 8, 2020, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection in the area near the Michigan Sugar Company - Bay City (MSC) plant located at 2600 South Euclid Avenue, Bay City, Michigan. The purpose of this inspection was to determine compliance with the requirements of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act; 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and to investigate recent complaints which we received between September 5 and September 8, 2020, regarding foul odors attributed to MSC operations.

During the inspection, staff observed the following:

<b>Process Description</b>	<b>Rule/Permit Condition Violated</b>	<b>Comments</b>
Suger beet process solids handling	Rule 901 and ROP No. MI-ROP-B1493-2016 General Condition 12.	Deposition of odorous suger beet process solids on field

In the professional judgment of AQD staff, the odors that were observed were of sufficient intensity, frequency, and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451 (“the Act”) and General Condition 12 of ROP number MI-ROP-B1493-2016.

In addition to the Rule 901 violation cited, please be advised that the use, placement, or storage at the location of use, of solids that violates Part 55 of the Act or creates nuisance does not meet the definition of Beneficial use 3 material in MCL 324.11402(5)(b)(i).

The AQD staff conducted an odor observation survey and detected strong, offensive odors in residential areas near the company at several locations downwind of the field where the solids were deposited.

On September 10, 2020, AQD received correspondence from Mr. Jeff Bluemer of Michigan Agribusiness Solutions containing actions that would be taken to reduce the potential for odors from the site. On September 14, 2020, Mr. Bluemer sent confirmation that land

Mr. Kelly Scheffler  
Michigan Sugar Company – Bay City  
Page 2  
September 15, 2020

application of the solids deposited on September 5, 2020 had been completed on Friday, September 11, 2020. If MSC has determined that additional actions are necessary to correct the cited violation, please initiate those actions.

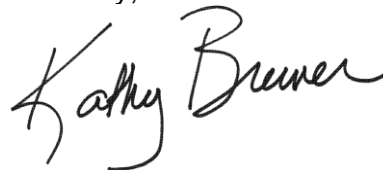
Please submit a written response to this Violation Notice by October 6, 2020 (which coincides with 21 calendar days from the date of this letter). The written response should include; an explanation of the causes of the violation; actions taken or planned, in addition to completing land application of the solids, if necessary to correct the cited violations, and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to EGLE, AQD, Bay City District, at 401 Ketchum Street, Suite B, Bay City, Michigan 48708 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If MSC believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violation cited above and for the cooperation that was extended to me during my inspection of the odor complaints. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below or at [brewerk@michigan.gov](mailto:brewerk@michigan.gov).

Sincerely,

A handwritten signature in black ink that reads "Kathy Brewer". The signature is written in a cursive style with a large, stylized "K" and "B".

Kathy Brewer  
Environmental Quality Analyst  
Air Quality Division  
989 439-2100

cc: Mr. Steven Smock, MSC  
Mr. Eric Rupprecht, MSC  
Ms. Mary Ann Dolehanty, EGLE  
Dr. Eduardo Olaguer, EGLE  
Ms. Jenine Camilleri, EGLE  
Mr. Christopher Ethridge, EGLE  
Mr. Chris Hare, EGLE  
Mr. Phil Roycraft, EGLE  
Ms. Lori Babcock, EGLE