



GRETCHEN WHITMER
GOVERNOR

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



DANIEL EICHINGER
ACTING DIRECTOR

March 7, 2023

VIA E-MAIL

Jason Kain
Factory Manager, Responsible Official
Michigan Sugar Company – Bay City Factory
2600 South Euclid Avenue
Bay City, Michigan 48706

SRN: B1493; Bay County

Dear Jason Kain:

VIOLATION NOTICE

On October 18, 2022, Michigan Sugar Company (MSC) submitted quarterly excess emissions and continuous emissions monitoring system (CEMS) data assessment performance reports (Quarterly CEMS Reports) and Renewable Operating Permit Certification Form (ROP certification) for the MSC Bay City Factory (MSC-BC) to the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD). The reports were submitted to meet the conditions of Renewable Operating Permit (ROP) number MI-ROP-B1493-2021, Title 40 of the Code of Federal Regulations (40 CFR), Part 60, Subpart Db, and 40 CFR, Part 60, Appendix F.

On December 21 – 22, 2022, MSC-BC performed relative accuracy test audits (RATAs) on the CEMS associated with EUBOILER#6; EUBOILER#7; and EUBOILER8. The RATA test protocol letter stated that CEMS records be made available for the AQD review during the RATA.

During the report review, records review, and December 2022 RATA, staff noted the following:

| Process Description | Rule/Permit Condition Violated | Comments |
|--|--|---|
| CEMS associated with FGBOILERS (EUBOILER#6; EUBOILER#7;) and EUBOILER8 | ROP No. MI-ROP-B1493-2021, General Conditions A.16 and A.22. | Cylinder Gas Audit (CGA) date was incorrect. ROP certification form signed by responsible official certifying that report was accurate. |
| | ROP No. MI-ROP-B1493-2021, General Conditions A.17. | During RATA, MSC staff were unable to provide required data for AQD review. |
| | ROP No. MI-ROP-B1493-2021, FGBOILERS (EUBOILER#6, EUBOILER#7), SC. VI.8, VII.6 EUBOILER8, SC. IV.3, SC VI.8 | The 2022 third quarter CEM audit is unacceptable. |
| | ROP No. MI-ROP-B1493-2021, FGBOILERS (EUBOILER#6, EUBOILER#7), SC. VI.8 EUBOILER8, SC IV.3, VI.8 | Due to invalid data, excessive monitor downtime for 4 th Quarter 2022 (October 1, 2022 until valid quarterly audit completed). |
| | ROP No. MI-ROP-B1493-2021, FGBOILERS (EUBOILER#6, EUBOILER#7), SC. VI.2, VI.3, VI.4 EUBOILER8 VI.2, VI.3, VI.4, VI.5 | Due to invalid data, the CEM data cannot be used to demonstrate compliance (October 1, 2022 until valid quarterly audit completed). |

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The 2022 third quarter CEMS reports stated that the quarterly audit (CGA) had occurred on September 4, 2022.

AQD staff were on-site on December 21, 2022, to observe RATA testing and review CEMS records. During this time, MSC was unable to produce records of CEMS data of emissions, daily calibrations, quarterly cylinder gas audits including the audits reported as being performed on September 4, 2022, and data handling/validation procedures.

On January 10, 2023, MSC submitted additional information as a follow-up to the December 21, 2022 records requests. Upon the AQD review, the data provided indicate that no audits (CGA) were performed on September 4, 2022.

On January 26, 2023, MSC staff were informed that the CEMS data provided on January 10, 2023 did not include the quarterly audit (CGA) data. AQD staff requested verification of a CGA being conducted, the correct date, and the tabulated CEMS data associated with the CGA activity to be provided on or before January 30, 2023. The AQD also requested revised quarterly audit (CGA) reports reflecting the correct audit date be submitted by February 3, 2023.

The conditions of Permit No. MI-ROP-B1493-2021 require that these records be maintained and made available in a format suitable to the AQD upon request.

MSC provided an e-mail at 5:57 PM on February 3, 2023, that stated the gas audits (CGAs) had occurred on September 7, 2022. MSC provided minute data for the 24-hour period but did not annotate the tabulated data that corresponded to the CEM activity as requested or make note of the approximate time the audit (CGA) activity was performed. The e-mail submission did not include an ROP Certification form or revised quarterly reports.

During the AQD review, the tabulated CEMS data could not be correlated to the submitted reports. The tabulated data does not meet the minimum requirements of 40 CFR, Part 60, Appendix F, Procedure 1 and, the 2022 Third Quarter CEMS audit (CGA) is invalid. Therefore, the CEMS data are invalidated from the beginning of the next successive quarter (October 1, 2022) until a valid audit is completed and passed. A valid quarterly audit is required in order for CEMS data to be utilized for compliance. Because CEMS quality assurance requirements are not met, the data beginning on October 1, 2022 is not acceptable to use for verification of compliance with emission limits.

Please initiate additional actions necessary to correct the cited violations and submit in a written response to this Violation Notice by March 28, 2023 (which coincides with 21 calendar days from the date of this letter).

The response should include the signed ROP Certification Form.

The response should describe in detail:

- The dates the violations occurred;
- An explanation of the causes and duration of the violations;
- Whether the violations are ongoing;
- A summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place;

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- What steps are being taken to prevent a reoccurrence;
- The CEMS data handling/validation steps, and an explanation of procedures implemented to provide the AQD with data in real time and in a format suitable for review;
- The procedures that will be implemented to conduct audits (CGAs) that meet the minimum performance and acceptance criteria of Procedure 1; and
- Revised quarterly CEMS reports that include the monitor downtime from October 1, 2022 until completion of a valid audit.

Please submit the written response to the following locations:

Lindsey Wells
Technical Programs Unit
EGLE, Air Quality Division
Constitution Hall, 2nd Floor South
525 West Allegan Street
Lansing, Michigan 48933

Jenine Camilleri
Enforcement Unit
EGLE, Air Quality Division
Constitution Hall, 2nd Floor South
525 West Allegan Street
Lansing, Michigan 48933

If MSC-BC 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. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number or email listed below.

Sincerely,



Lindsey Wells
Environmental Quality Analyst
Air Quality Division
517-282-2345

cc: Meaghan Martuch, MSC
Angel Pichla, MSC
Nick Klein, MSC
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Regina Angellotti, EGLE
Jenine Camilleri, EGLE
Erin Moran, EGLE
Chris Hare, EGLE
Kathy Brewer, EGLE