



GRETCHEN WHITMER  
GOVERNOR

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



DANIEL EICHINGER  
ACTING DIRECTOR

March 30, 2023

VIA EMAIL ONLY

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

SRN: B1493, Bay County

Dear Jason Kain:

**VIOLATION NOTICE**

On March 21, 2023, 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 Factory located at 2600 South Euclid Avenue, Bay City, Michigan (MSC BC). 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; the conditions of Renewable Operating Permit MI-ROP-B1493-2021; and to investigate recent complaints which we received between March 3 and March 21, 2023, regarding foul odors attributed to MSC BC operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Outer Pond	Rule 901 and ROP MI-ROP-B1493-2021 General Condition 12.	Odors in residential area associated with exposed Outer Pond material on surface of cover.

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-B1493-2021.

The AQD staff conducted an odor observation survey and detected strong offensive odors in residential areas near the company downwind of the facility.

On the MSC BC site, AQD staff observed black sludge-like material on the cover placed in the Outer Pond. The Outer Pond Cover had failed to contain the pond material below the cover.

During AQD’s odor investigation staff observed strong sour gas and septic like odors near the Outer Pond.

Please submit a written response to this Violation Notice by April 20, 2023 (which coincides with 21 calendar days from the date of this letter). The written response should include the first date

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when the Outer Pond contents appeared to be escaping from the pond and onto the cover surface, an explanation of the causes of the violations; actions taken or planned that are 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.

In addition, please provide the records associated with the Outer Pond cover inspections from the weeks of January 29 through April 9, 2023 and provide a list of any odor complaints MSC BC received From January 29 through March 21, 2023.

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 Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

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 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,



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

cc: Angel Pichla, MSC  
Meaghan Martuch, MSC  
Eric Rupprecht, MSC  
Nick Klein, MSC  
Laura Doud, MDARD  
Annette Switzer, EGLE  
Chris Ethridge, EGLE  
Jenine Camilleri, EGLE  
Brad Myott, EGLE  
Chris Hare, EGLE  
Charles Bauer, EGLE