



GRETCHEN WHITMER  
GOVERNOR

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



AARON B. KEATLEY  
ACTING DIRECTOR

June 26, 2023

VIA E-MAIL

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

SRN: B1493; Bay County

Dear Jason Kain:

**VIOLATION NOTICE**

The Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) has reviewed the 2023 first quarter excess emissions, monitor downtime, and data assessment reports submitted by Michigan Sugar Company – Bay City Factory (MSC – Bay City) located at 2600 South Euclid Avenue in Bay City. The Renewable Operating Permit No. MI-ROP-B1493-2021 requires the facility to monitor and record nitrogen oxides (NO<sub>x</sub>) emissions from EUBOILER8 with a continuous emissions monitoring system (CEMs) that is installed, calibrated, operated, and maintained in accordance with Title 40 of the Code of Federal Regulations (40 CFR), Part 60, Subpart Db.

During the report review, staff determined the following:

Process Description	Rule/Permit Condition Violated	Comments
EUBOILER8	MI-ROP-B1493-2021, EUBOILER8, SC IV.3, VI.2, SC VI.4, VI.5, VI.8	Failure to continuously monitor NO <sub>x</sub> emissions during 2023 First Quarter.

The 2023 first quarter Excess Emissions and Monitor Downtime report, and the quarterly Data Assessment Report were received on May 2, 2023. During report review, the AQD evaluated 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; the Air Pollution Control Rules; and the conditions of Permit No. ROP MI-ROP-B1493-2021.

The 2023 first quarter excess emissions, monitor downtime, and data assessment reports indicate excess NO<sub>x</sub> monitor downtime for EUBOILER8 of 12.48 percent during the reporting period of January 1, 2023 – March 31, 2023.

## VIOLATION NOTICE

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Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by July 17, 2023 (which coincides with 21 calendar days from the date of this letter). The written response should include:

- The dates the violation occurred;
- An explanation of the causes and duration of the violation;
- Whether the violation is ongoing;
- A summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place;
- Additional detail on the described 'NO<sub>x</sub> Concentration Program Error; and
- What steps are being taken to prevent a reoccurrence.

Please submit the written response to the following locations:

Jeremy Howe  
Technical Programs Unit  
EGLE, Air Quality Division  
Constitution Hall, 2<sup>nd</sup> Floor South  
525 West Allegan Street  
Lansing, Michigan 48933

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

If Michigan Sugar Company – Bay City Factory believes the above observations or statements are inaccurate or do not constitute a violation 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 violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,



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

cc: Angel Pichla, Michigan Sugar Company  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jeremy Howe, EGLE  
Chris Hare, EGLE  
Kathy Brewer, EGLE  
Jenine Camilleri, EGLE