



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

December 12, 2023

VIA EMAIL ONLY

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

SRN: B1493, Bay County

Dear Jason Kain:

VIOLATION NOTICE

On November 3, 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 plant 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 September 22 and November 3, 2023, regarding foul odors attributed to MSC BC operations.

During the November 3, 2023, inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Sugar beet processing waste streams handling	Rule 901 ROP MI-ROP-B1493-2021 General Condition 12	Odors in residential area associated with exposed sugar beet processing waste streams

In the professional judgment of AQD staff, the odors that were observed on November 3, 2023, 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.

Consent Judgement 17-000727-CE, Paragraph 6.2 provides that EGLE may cite MSC BC for violations of Rule 901.

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In addition to the November 3, 2023 AQD staff observations, on October 23, 2023, MSC BC staff were notified by AQD staff that on October 22, 2023, while walking along a portion of a public trail east of the MSC BC plant, AQD staff had observed odors characterized by very strong septic mixed with manure and slight lime odor between 4:10 and 5:45 PM. Winds were from the northwest. At approximately 6:00 PM, at the intersection of Backus Street and Euclid Avenue, AQD staff verified that odors with the same characteristics as observed on the public trail were present. The MSC BC site was identified as the source of the odors.

Please submit a written response to this Violation Notice by January 2, 2024 (which coincides with 21 calendar days from the date of this letter). The written response should include: 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 the explanation, describe process or other conditions that resulted in low water levels in the Outer Pond and Flume Return Pond / South Outer Mud Pond between October 1 and November 30, 2023. MSC BC should also provide the periods when water from sugar beet washing or sugar beet processing bypassed the flume centrifuges, the anaerobic digester (Anamet), or the Outer Pond between October 1 and November 30, 2023. The date that the Flume Return Pond / South Outer Mud Pond attained a water level high enough to flow into the Outer Pond should also be included.

For the period of October 1 through November 30, 2023, please provide the MSC BC weekly Environmental record for the Flume Ponds, the USP hydrogen peroxide dosage recommendations, and testing results the USP dosage records were based upon.

Please submit the written response to Kathy Brewer, 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.

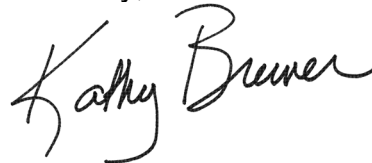
If MSC BC believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Consent Judgement 17-000727-CE, Paragraph 6.3 provides that EGLE and MSC BC shall meet within thirty days after EGLE sends a Violation Notice to try to negotiate a resolution of the alleged violation. MSC BC can contact EGLE staff to arrange a meeting that would occur after EGLE's receipt of the information requested in this Violation Notice.

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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.

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
Senior Environmental Quality Analyst
Air Quality Division
989-439-2100

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