



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
AIR QUALITY DIVISION



PHILLIP D. ROOS
DIRECTOR

December 6, 2024

VIA EMAIL AND UPS NEXT DAY DELIVERY

Tim Schuster, Facility Manager
Michigan Sugar Company, Bay City Facility
2600 South Euclid Avenue
Bay City, Michigan 48706

SRN: B1493; Bay County

Dear Tim Schuster:

Subject: Consent Judgment No. 17-000727-CE, Stipulated Penalty Demand

This letter serves as the written demand for the payment of stipulated penalties in the amount of \$625,450 for Michigan Sugar Company's (MSC) violations of the Consent Judgment it entered with the Michigan Department of Environment, Great Lakes, and Energy (EGLE) on December 18, 2018, in Ingham County Circuit Court, Case No. 17-000727-CE (Consent Judgment).

In the Semi-Annual Report dated September 11, 2024, received by EGLE on September 12, 2024, MSC notified EGLE of its compliance status with the Consent Judgment for the reporting period January 1, 2024, through June 30, 2024 (Semi-Annual Report). The Semi-Annual Report identified violations of the Consent Judgment during the reporting period, for which EGLE is hereby demanding payment of stipulated penalties. The specific violations and stipulated penalties are set forth below.

Flume Ponds Hydrogen Peroxide Dosing

Paragraph 5.1 of the Consent Judgment requires MSC to operate and maintain the centrifuges and the hydrogen peroxide system for the flume ponds pursuant to the requirements in the Operations Plan. Section III.B.2(a) of the Operations Plan states that MSC shall retain USP Technologies (USP) to conduct monthly evaluations of the hydrogen peroxide system for the flume ponds and provide recommendations for the proper operation of the system. Further, MSC shall operate the hydrogen peroxide system for the flume ponds at flow rates consistent with the recommendations of USP, except (iv) during any extended periods of ice or freezing temperatures that impair its operation, or (v) for an individual flume pond when MSC is removing solids from that pond. Pursuant to Section III.B.2.b. Recordkeeping Requirements, MSC is required to create and retain records including (iv) any days on which hydrogen peroxide system from the flume ponds, or any portion thereof, was not operated, and the reasons, therefore. Pursuant to Section III.B.2.c., Reporting Requirements, the Semi-Annual Reports that MSC shall submit pursuant to Section VII, Reporting Requirements, of the Consent Judgment shall include the records identified in Section III.B.2.b.

EGLE requested additional information from MSC in an email dated November 12, 2024, to clarify information contained in the Semi-Annual Report. An email response from MSC was received on November 21, 2024.

EGLE reviewed the additional information provided regarding the downtime of the hydrogen peroxide system identified in Appendix D of the Semi-Annual Report. Based upon review of the additional information, EGLE concluded that the additional information adequately explained the system downtime.

EGLE reviewed the additional information provided regarding discrepancies it identified in the hydrogen peroxide dosing records for January 17, 2024, and February 6, 2024, when reviewing the records in Appendix D of the Semi-Annual Report and the Mud Ponds Odor Testing Reports, dated February 7, 2024, and February 23, 2024, issued by USP. MSC stated in its email response, that the hydrogen peroxide dosing records in Appendix D of the Semi-Annual Report were based on a once-per-day observation by MSC of the hydrogen peroxide pumping rate. The USP-recorded data provided in its odor testing reports was based on more frequent flow rate measurements throughout the day that may be variable due to various equipment issues or conditions.

The USP recorded data in the Mud Ponds Odor Testing Reports, dated February 7, 2024, and February 23, 2024, indicated the recommended dosing rate was implemented, except for brief spikes of short duration resulting from air bubbles passing through the flow meters or no dosing due to the pumps losing prime due to low product level in the storage tank. USP reports showed the average dosing rate during the monitoring periods, 30 days and 22 days, respectively, were at or above the recommended dosing rate. Additionally, as indicated in the Mud Ponds Odor Testing Report, dated April 24, 2024, USP identified the flow meter was not providing consistent readings. MSC stated the hydrogen peroxide dose during this time may have been increased by USP to ensure the prescribed minimum gallon per hour dosage was being met due to the malfunctioning flow meter. Based upon review of the additional information, no stipulated penalty was calculated during this reporting period.

Centrifuge Uptime

Paragraph 5.1 of the Consent Judgement and Section III.A.1 of the Operations Plan requires MSC to operate all three centrifuges for at least 85 percent of each Campaign. EGLE notified MSC of the low centrifuge uptime in the Stipulated Penalty Demand issued on June 4, 2024, which stated the evaluation of this metric would be completed at the end of the 2023-2024 Campaign and incorporated into the review of the next Semi-Annual Report. According to Appendix B of the Semi-Annual Report, the total uptime for the centrifuges during the 2023-2024 Campaign was 31 percent.

As specified in paragraph 14.17, a stipulated penalty of \$10,000 per year shall accrue for any and all violations of the requirement in paragraph 5.1.

Maintain Cover on Outer Pond Per Operations Plan

Paragraph 5.3 of the Consent Judgement states, “On and after the Effective Date of this Consent Judgement, Michigan Sugar shall operate and maintain the [outer pond] Cover pursuant to the operating requirement in the Operations Plan. Section VI.A.1 and Section VI.A.2 of the Operation Plan requires Michigan Sugar to keep the cover on the Outer Pond at all times and inspect the Cover on a weekly basis to identify visible damage and promptly repair any damage identified.”

On June 6, 2024, staff from EGLE’s Air Quality Division (AQD) inspected MSC at the Bay City Facility following nuisance odor complaints. During the inspection, the AQD staff observed dirt, vegetation, and other debris collecting on the cover of the outer pond resulting in portions of the pond not being entirely covered. A section of the cover appeared to be either missing or sunken.

In addition, weekly inspections of the cover were not completed for the month of June 2024.

As provided in paragraph 14.3, violations of paragraph 5.3 of the Consent Judgement result in accrued stipulated penalties as follows: \$1,200 for the 1st through 2nd consecutive day; \$1,600 for the 3rd through 5th consecutive day; and \$2,000 for the 6th consecutive day and beyond. The failure to keep the pond completely covered and submit weekly inspections for June 6, 2024, through June 30, 2024, resulted in a stipulated penalty of \$45,200.

Maintain Dissolved Oxygen in Aeration Ponds at 1.0 mg/L or Greater

Paragraph 5.6 of the Consent Judgment requires MSC to maintain a dissolved oxygen concentration in each of the aeration ponds of at least 1.0 mg/L as a calendar day average pursuant to the Dissolved Oxygen Sampling Plan.

In the Semi-Annual Report, MSC reported multiple dates when it was in violation of the 1.0 mg/L minimum for dissolved oxygen in the aeration ponds. These violations are identified in Appendix B.

As provided in paragraph 14.3 of the Consent Judgment, “Stipulated penalties shall accrue per day of violation of each of the requirements identified in Paragraph 5.6: \$1,200 for the 1st through 2nd consecutive day; \$1,600 for the 3rd through 5th consecutive day; and \$2,000 for the 6th consecutive day and beyond.” The 102 days of violation resulted in a stipulated penalty of \$184,000.

Maintain Internal Road Per Operations Plan

Paragraph 5.13 of the Consent Judgement requires that MSC maintain the internal road pursuant to the requirements in the Operations Plan. Section IX.3 of the Operations

Plan states that at least once per calendar year after each Campaign, MSC shall inspect the internal road and keep it in a reasonable state of repair such that it has a hard surface from which solids can be removed.

EGLE requested that in subsequent Semi-Annual Reports, MSC include documentation of inspection and repair maintenance records created pursuant to Operations Plan, Paragraph IX.

Rumble Strip Maintenance per Operations Plan

Paragraph 5.16 of the Consent Judgement requires that after August 15, 2019, MSC maintain the rumble strips referenced in paragraph 5.15 pursuant to the requirements in the Operations Plan. Section IX.A.4 of the Operations Plan states that MSC shall inspect the rumble strips on a weekly basis for damage and shall promptly repair any damaged rumble strips. When truck traffic is occurring, MSC shall remove solids from the rumble strips at least once every 24 hours when the internal road is used by trucks. The weekly inspection records provided in the Semi-Annual Report did not contain specific information about or documentation of when solids were removed from the rumble strips or that solids were removed once every 24 hours when the internal road was in use.

In the June 4, 2024, Stipulated Penalty Demand letter sent to MSC, EGLE did not demand stipulated penalties for this section and requested that MSC update its reporting template to include when solids are removed from the rumble strips. This template modification was not included in the Semi-Annual Report, resulting in only 26 days of documentation of solids removal and no documentation for the remaining 156 days of the reporting period.

As provided in paragraph 14.6 of the Consent Judgment, “stipulated penalties shall accrue per day of violation of each of the requirements identified in Paragraph 5.16 and the Operations Plan to remove solids from the rumble strips at least once every 24 hours when truck traffic is occurring on the Internal Road and to remove solids more frequently as needed to maintain the rumble strips' effectiveness at removing dirt from truck tires: \$500 for the 1st through 2nd consecutive day; \$750 for the 3rd through 5th consecutive day; and \$1,000 for the 6th consecutive day and beyond.” The 156 days of missing records resulted in a stipulated penalty of \$110,250.

Main Aeration Pond as Temporary Storage Basin

Paragraph 5.22 of the Consent Judgment states if MSC routes water from the outer pond to the main aeration pond or any portion thereof as a temporary storage basin, MSC shall manage any such water pursuant to the requirements in the Operations Plan. According to Section VIII of the Operations Plan, the main aeration pond shall only be used as a temporary storage basin for water from the outer pond if there is a malfunction of the anaerobic digester. MSC used the main aeration pond to store water

from the outer pond from December 5, 2023, through August 24, 2024. MSC provided the explanation that the pond was used for inventory control and to prevent a digester upset.

Sections VIII.A.1 and VIII.A.2 of the Operations Plan require MSC to use odor neutralizing equipment while redirecting water from the outer pond to the main aeration pond and to use its best efforts to re-route water back to the outer pond as soon as practicable.

According to the Semi-Annual Report, MSC did not use odor neutralizing equipment from January 15, 2024, through January 22, 2024, due to frozen hoses on its Odorboss equipment. Please be advised, EGLE rejects MSC's claim of force majeure for frozen supply hoses to the Odorboss equipment. Simple preventative measures such as heat tape or other heated hoses are commonly used for this type of mist delivery process equipment in Michigan.

As provided in paragraph 14.4 of the Consent Judgment, violations of paragraph 5.22 result in accrued stipulated penalties as follows: \$750 for the 1st through 2nd consecutive day; \$1,250 for the 3rd through 5th consecutive day; and \$1,500 for the 6th consecutive day and beyond. The 182 consecutive days of violation resulted in a stipulated penalty of \$270,750.

NPDES (National Pollutant Discharge Elimination System) Permit Limitations

Paragraph 5.23 of the Consent Judgement requires that MSC comply with the requirements of the NPDES Permit, Part I.A.1. During the reporting period of January 1, 2024, through June 30, 2024, MSC reported seven (7) days of effluent limit violations.

As provided in paragraph 14.9 of the Consent Judgment, violations to paragraph 5.23 result in accrued stipulated penalties as follows: \$750 for the 1st through 2nd consecutive day; \$1,250 for the 3rd through 5th consecutive day; and \$1,500 for the 6th consecutive day and beyond. The seven (7) non-consecutive days of violation resulted in a stipulated penalty of \$5,250. The calculation is included in Appendix E.

In summary, EGLE is hereby demanding a total sum of \$625,450 in stipulated penalties for the violations of the paragraphs identified above during the semi-annual reporting period aforementioned.

Enclosed is an invoice from EGLE for this demand for payment of stipulated penalties. Pursuant to paragraph 14.23 of the Consent Judgment, MSC shall pay the total stipulated penalty no later than 30 days after it receives this written demand. Paragraph 14.24, referencing paragraph 8.1 of the Consent Judgment, identifies the manner of payment and the information to be included in the transmitted correspondence.

Tim Schuster
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December 6, 2024

If you have questions or need further information regarding this demand for payment of stipulated penalties you may contact Kailey Schoen at 517-331-6571; SchoenK@Michigan.gov; or Malcolm Mead-O'Brien at 517-281-0376; MeadM1@Michigan.gov; or EGLE, P.O. Box 30458, Lansing, Michigan 48909-7958

Sincerely,



Malcolm Mead-O'Brien
Enforcement Specialist
Enforcement Unit
Air Quality Division

Enclosure

cc/enc: Eric Rupprecht, MSC
Kurt Brauer, Warner Norcross + Judd LLP
Kurt Kissling, Warner Norcross + Judd LLP
Gregory G. Justis, Department of Attorney General
Benjamin Houstin, Department of Attorney General
Charlie Bauer, EGLE
Susan Doty, EGLE
Kailey Schoen, EGLE
Leslie N. Sorensen, EGLE
Audrey Schwing, EGLE
Gina McCann, EGLE
Jenine Camilleri, EGLE
Nathanael Gentle, EGLE

TABLE SUMMARY: January -July 2024 for Semi-Annual Report Dated September 11, 2024
Submitted to EGLE, Saginaw Bay District, September 12, 2024 (hand delivery)

CATEGORY	Date	Comment	Details	CJ Para. Required	CJ Stip Para.	Stip Due
A. Beet Piling Grounds				5.1	14.4	
		Report identified that the Campaign commenced 9/8/2023 and concluded 4/4/2024. Weekly review of piling grounds reported. Unusable beets were identified and reported to be removed during reporting period. During the month of March 2024, unusable beets were identified and removed during each weekly review.	Note: CJ definitions, Para 4.2 v. "Operations Plan" means the plan attached to this Consent Judgment as Appendix C that includes operating, recorkeeping, and reporting requirements for the following: Beet Piling Grounds; (...)" Appendix C.II. Beet Piling Grounds. A. Operating Requirements. Within five days of identifying any Non-Usable Beets, Michigan Sugar shall begin the process of removing such beets from the Bay City Facility and shall diligently continue the process of removing such beets each day until all such beets are removed. Substantially all Non-Usable Beets shall be removed from the Bay City Facility by April 1 of each year or by the end of the Campaign plus fifteen days, whichever is later."	CJ Para. 5.1 "On and after the Effective Date of this Consent Judgment, Michigan Sugar shall operate and maintain the Centrifuges and Hydrogen Peroxide System for the Flume Ponds pursuant to the operating requirements in the Operations Plan."	\$750 (1-2); \$1250 (3-5); \$1500 (6+).	
	2/2/2024; 3/4/2024; 3/15/2024; 3/19/2024; 3/25/2024.	Unusable beets were identified and removed.				
						\$0
B. Centrifuge Uptime				5.1	14.17	
		July-Dec 2023 uptime = 21% Jan-Jun 2024 uptime = 10% Total Campaign Uptime= 31%	CJ Appendix C.III. Centrifuges. 1. Operating Requirements. Michigan Sugar shall operate all three Centrifuges during at least 85% of each Campaign and may cease operating all three Centrifuges during up to 15% of each Campaign to perform routine repairs and maintenance.... (...) 2. Recordkeeping Requirements. Michigan Sugar shall create and retain records of Centrifuge operation that include the number of hours of operation of each Centrifuge during the Campaign, the number of hours of the Campaign, and the number of hours that each Centrifuge was not operating due to routine repairs and maintenance.	85% minimum per campaign	\$10,000	
		Appendix B identifies the following decanter problems in records: "bowl lock fault", "clogged", "under repair", "electronic motor rebuild", "down", "all 3 decanters down for liquid polymer installation". Note: all 3 decanters were operating only between 3/1 and 4/4/2024. End of campaign is recorded as 4/4/2024.				
						\$10,000
C. Flume Solids Removed				5.9	14.3	
Solids Removal Flume Ponds		No solids were dredged and removed from flume ponds from January to June 2024. Slurry removal from the Primary Pond was conducted from the period of 6/3/2024 to 6/21/2024. 6/7, 12, 17 and 19 are listed twice, whereas 6/9, 15, and 16 are not included. A total of 3,399,000 gallons of slurry was removed. Report states odor neutralizing equipment was used during each date slurry removal occurred.	On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar. On 11/21/2024 Michigan Sugar responded that the duplicative dates reflected slurry application to two different fields on those dates.	Para. 5.9 "On and after the Effective Date of this Consent Judgment, Michigan Sugar shall perform any removal of Solids from the Flume Ponds pursuant to the operating requirements in the Operations Plan.		
						\$0
D. Flume Pond H2O2 Dosing				5.1	14.4	
		H2O2 dosing conducted at USP recommendations except discrepancies identified as follows in the weekly inspection reporting. 1* System downtime occurred on the following dates for system malfunction 2/8/2024, 4/19/2024, 4/26/2024, and 5/2/2024. 2* System downtime occurred on following dates for pond cleanout: 5/31/2024, 6/6/2024, 6/13/2024, 6/21/2024, and 6/28/2024.	On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar. Michigan Sugar response was received 11/21/2024: 1* Week of 2/8/2024. "Bulk Tank ran dry during the night of 2/6. Emergency delivery made on 2/7." Week of 4/19/2024. "USP having issues with flow meter reading inaccurately." Week of 4/26/2024. "USP having issues with flow meter not reading accurately, went out in the middle of the night." Week of 5/2/2024. "...Mud side peroxide shut off overnight 4/30, all lines buried in the mud. Turned back on morning of 5/1." 2* "During pond clean-out activities, water is decanted off the ponds. Hydrogen peroxide dosing is stopped when the amount of liquid remaining on the ponds is limited and becomes a safety hazard to dose hydrogen period. Hydrogen peroxide dosing to the ponds was stopped on May 24, 2024. This was reported as downtime in the weekly inspection but is allowed pursuant to the [CJ] during pond cleanout."	CJ Para. 5.1 "On and after the Effective Date of this Consent Judgment, Michigan Sugar shall operate and maintain the Centrifuges and Hydrogen Peroxide System for the Flume Ponds pursuant to the operating requirements in the Operations Plan."	\$750 (1-2); \$1250 (3-5); \$1500 (6+).	

	2/7/2024	USP recommended dosing letter. Testing conducted 2/1/2024. Letter recommended dosing at 10.0 gph for January 2024 be continued. *USP also identified a dose rate below the recommended rate for an 8 hour period on 1/17/2024. Michigan Sugar provided 24-hour average dosing values. Michigan Sugar records show a 24-hour average of 10 gph for all days covered by this letter. The 24-hour average for 1/17/2024 was also listed as 10 gph.	On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar. Michigan Sugar responded on 11/21/2024 that several factors may have contributed to a relatively short inconsistent dosing period of H2O2 on 1/17/2024, and referenced to Appendix D - USP Monthly Monitoring Report. Michigan Sugar additionally stated the dosing rate recorded by Michigan Sugar is recorded during a one-daily check of the system, which may have been outside of the inconsistent time of pumping and flow rate meter reading 10 gph.			
	2/23/2024	USP recommended dosing letter. Testing conducted 2/14/2024. Letter recommended dosing at 10.0 gph. *UPS identified dosing was below the recommend rate for an 8-hour period on 2/6/2024 due to low tank level and dosing system losing prime. *Michigan Sugar provided 24-hour average dosing values. Michigan Sugar records show a 24-hour average of 10 gph for all days covered by this letter. The 24-hour average for 2/6/2024 was also listed as 10 gph.	On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar, which responded as noted above.			
	3/11/2024	USP recommended dosing letter. Testing conducted 3/6/2024. USP recommended continue dosing at 10.0 gph. Michigan Sugar provided 24-hour average dosing values. Michigan Sugar records show a 24-hour average of 10 to 12 gph for all days covered by this letter.	On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar. Michigan Sugar responded as above and additionally referenced to the USP letter dated 3/11/2024, which reference to dosing spikes of short duration resulting from air bubbles passing through the flow meters, and that "the average dosing rate for the brief dosing spike period was 10.75 gallons per hour."			
	4/24/2024	USP recommended dosing letter. Testing conducted 4/23/2024. Letter recommended dosing at 10.0 gph. Dosing for period was said to be demonstrated with tank level draw down plots since flow meter was giving erratic readings and scheduled for service. Michigan Sugar provided 24-hour average dosing values. Michigan Sugar records show a 24-hour average of 10 to 12 gph for all days covered by this letter.	On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar. Michigan Sugar responded and additionally referenced to the USP letter dated 4/24/2024.			
	6/5/2024	USP recommended dosing letter. Testing conducted 5/23/2024. USP letter recommended to end dosing to the mud ponds, as the mud ponds are draining for the season and the odor parameters are well within desired levels. Michigan Sugar provided 24-hour average dosing values. Michigan Sugar records show a 24-hour average of 10 to 12 gph for all days covered by this letter. Peroxide was turned off on 5/24/2024 to begin pond cleanout.	On 11/12/2024 EGLE sent a clarifying inquiry by email to MSC. Michigan Sugar responded as above.			
						\$0
E. Storm Pond H2O2 Dosing per Operations Plan				5.24(c), 5.24(d), 5.24(e)	14.11	
		Hydrite completing evaluations of the system on a weekly basis. Michigan Sugar appears to be operating per Hydrite recommendations.				
		Downtime recorded on 1/18/2024 and 1/25/2024 for freezing weather. Downtime recorded on 6/6/2024 for process issues. Downtime recorded on 6/28/2024 due to system malfunction.				
						\$0
F. Channel Inspections				5.11	14.4	
		Weekly inspections conducted. No downtime reported. Statement included that all standing water from precipitation events was pumped and removed for the channel within 72 hours of event.				
						\$0
G. Outer Pond Cover Inspections				5.3	14.3	

		Weekly Outer Pond Cover (Cover) inspections conducted for period of 1/4/2024 to 5/31/2024. Comments for that period state the Cover was not removed and there was no damage to the cover. Weekly inspections were not completed in the month of June. On 6/6/2024 AQD observed the Cover appeared damaged and portions of Outer Pond were not covered. Michigan Sugar reported that the Cover was intact and operational until 6/6/2024. Michigan Sugar further reported that when Spring 2024 came, a lot more vegetation had grown on top of the Cover. In response, Michigan Sugar stated it implemented an action plan to clean and maintain the Cover. Michigan Sugar stated its goal is to have the Cover back in service by the end of September 2024. From June 6 to the end of the reporting period the Cover has been removed up to 20% to clean off debris and repair/replace the Cover panels. Michigan Sugar asserts an exemption for maintenance and repair of the Cover and that it is not required to have the Cover in place until the repairs are completed.	Michigan Sugar should have inspected and maintained the Outer Pond Cover prior to 6/6/2024. EGLE rejects Michigan Sugar's 6/2024 claim for exemption for cleaning and maintenance which Michigan Sugar should have implemented since date of installation of the Outer Pond Cover but did not.			
						\$45,200
H. Street Sweeper Reporting			5.18 (14.4, 14.5,)	5.19 (14.5)		
			Para 5.18 "...during each Peak Harvest period Michigan Sugar shall implement ...in the Operations Plan to reduce track out from trucks during each Peak Harvest period: (a) operating a Mechanical Street Sweeper on South Euclid Avenue; (b) cleaning out the catch basins on South Euclid Avenue within seven days after the end of each Peak Harvest Period; and (c) disposing of the material pursuant to applicable law."	Para 5.19 "... Michigan Sugar shall operate a Mechanical Street Sweeper on South Euclid Avenue and clean out catch basins along South Euclid Avenue pursuant to the operating requirements in the Operations Plan."		
						\$0
H-I. Internal Road Maintenance, Rumble Strips, and Euclid Catch Basins Cleaning				5.12, 5.13, 5.16	14.6, 14.7	
			On 11/25/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar, requesting documentation pursuant to Para IX.A.3 of the Operations Plan - Internal Road Maintenance, and recordkeeping per IX.B regarding creation and retention of records of inspections and repairs to the Internal Road. MSC responded on 11/27/2024. Michigan Sugar stated it believes it has fulfilled the Reporting requirements of Section IX.C of the Operations Plan, including "records of installing the rumble strips, repairing the rumble strips, operating the mechanical Street Sweeper, and cleaning out the catch basins on South Euclid Avenue." Michigan Sugar stated that it will perform the Annual Inspection of the Internal Road at the conclusion of the 2024-2025 Campaign which is anticipated to end in March 2025. Per your request, MSC will include the additional record of the Internal Road Inspection in the January-June 2025 Semi-Annual Report."	Para 5.12 "... Michigan Sugar shall have fully paved the Internal Road." Para 5.13 "...Michigan Sugar shall maintain the Internal Road pursuant to the operating requirements in the Operations Plan." Para 5.16 "... Michigan Sugar shall maintain the rumble strips referenced in Paragraph 5.15 pursuant to the operating requirements in the Operations Plan."		
						\$0
J. Aeration Ponds DO Records				5.6, 5.7	14.3	
		See Aeration Pond DO tab which identifies dates when DO dropped below 1.0 mg/L.	Additional Aeration Ponds Concerns: Records log several dates in which the New Main and Final Ponds were being cleaned-out. Sonde maintenance log identified several dates in which Sondes were repaired, swapped out, and when manual DO readings were taken. *On 11/12/2024 EGLE sent a clarifying inquiry by email to Michigan Sugar. On 11/21/2024 Michigan Sugar responded: "Due to the age of the dissolved oxygen sondes, greater maintenance is being performed than in prior reporting periods. MSC maintains a supply of back-up sondes to replace operating sondes when maintenance is needed. The dissolved oxygen sondes will no longer be serviced after 2025, and parts are becoming difficult to source by the service company. MSC has purchased a complete set of the newest model dissolved oxygen sondes along with several back-ups. These will be deployed into service over the next several months as the current dissolved sondes require service."			
						\$184,000
K. Rumble Strips				5.16	14.6	

Removal of solids		Remove solids every 24 hrs when Internal Road is in use by trucks.	Michigan Sugar submitted documentation for 26 days of solids removal. No documentation was provided for the remaining 156 days.	Para 5.16 "... Michigan Sugar shall maintain the rumble strips referenced in Paragraph 5.15 pursuant to the operating requirements in the Operations Plan.	\$500 (1-2); \$750 (3-5); \$1000 (6+)	
						\$110,250
L. Main Pond Temporary Storage				5.22	14.4	
		Must use odor neutralizing equipment while redirecting to Main Aeration Pond. Must reroute back to Outer Pond and remove water from Main Aeration Pond as soon as practicable. See Operations Plan, VIII. Main Aeration Pond as Temporary Storage Basin.	Used Main Aeration Pond from 12/5/23-8/24/24 for storage of Outer Pond effluent. Storage for an entire Campaign is not considered temporary. Used Main Pond for effluent storage when no digester malfunction. Additionally, did not use odor neutralizing equipment on Jan 15-22 (hoses froze on OdorBoss).	Para 5.22 "... if Michigan Sugar routes water from the Outer Pond to the Main Aeration Pond or any portion thereof as a temporary storage basin, then Michigan Sugar shall manage any such water pursuant to the operating requirements in the Operations Plan."		
						\$270,750
NPDES:				5.23	14.9	
Effluent Violations - Daily Limit						
Effluent Violations - Daily Limit			NPDES Permit, Part I, Section A.1 (Final Effluent Limitations for Monitoring Point 005A), as required by Para. 5.23. MSC recorded 7 non-contiguous days of daily effluent limit violations in 2024 on 1/7 (BOD5, daily net discharge), 3/11 (fecal coliform, max daily), 3/18 (fecal coliform, max daily), 3/24 (pH, max daily), 3/27 (fecal coliform, max daily), 4/17 (fecal coliform, max daily), 4/22 (Did not sample as required by permit). (7x\$750)	Para 5.23 "... Michigan Sugar shall comply with the requirements of the NPDES Permit, Part I, Section A.1 (Final Effluent Limitations for Monitoring Piont 005A)..."	\$750 (1-2); \$1250 (3-5); \$1500 (6+)	
						\$5,250

CJ Non-NPDES	
% Centrifuge Uptime	\$10,000
Flume Solids Removal	\$0
Flume Pond H2O2	\$0
Stormwater Pond H2O2	\$0
Outer Pond Cover	\$45,200
Rumble Strip	\$110,250
Main Aeration Pond as Temp Storage	\$270,750
Channel	\$0
Aeration Pond DO	\$184,000
Sub-Total	\$620,200
CJ NPDES Violations	\$5,250
CJ TOTAL	\$625,450

MSC BC Semi-Annual Report January-June 2024: Aeration Dissolved Oxygen

Indicates Consecutive Days	

DO levels below 1.0 mg/l in Aeration pond system		CJ 14.3 (5.6, 5.7)	Period of Noncompliance	Penalty Per Day of Violation
	Days of Violation	Consecutive Days	1st through 2nd	\$1,200
	Pond w/ shared flow DO		3rd through 5th	\$1,600
	See EGLE Comment		6th and beyond	\$2,000

Date	New Main Pond DO (mg/l)	Final Pond DO (mg/l)	East Pond DO (mg/l)	West Pond DO (mg/l)	Consecutive Days	Penalty (\$)	Force Majeure Claim (none)	Days of Violation	No Ponds in Violation
1/1/2024			0.5			\$1,200		1	1
1/2/2024			0.5	0.8		\$1,200		1	2
1/3/2024			0.8	0.8		\$1,600		1	2
1/4/2024			0.9			\$1,600		1	1
1/5/2024			0.8			\$1,600		1	1
1/6/2024			0.7			\$2,000		1	1
1/7/2024			0.8			\$2,000		1	1
1/8/2024			0.8			\$2,000		1	1
1/9/2024			0.7			\$2,000		1	1
1/10/2024			0.6			\$2,000		1	1
1/11/2024			0.7			\$2,000		1	1
1/12/2024			0.8			\$2,000		1	1
1/13/2024			0.5	0.5		\$2,000		1	2
1/14/2024			0.8			\$2,000		1	1
1/15/2024			0.8			\$2,000		1	1
1/16/2024			0.7			\$2,000		1	1
1/18/2024			0.7			\$1,200		1	1
1/19/2024			0.3	0.6		\$1,200		1	2
1/20/2024			0.4	0.4		\$1,600		1	2
1/21/2024			0.7	0.5		\$1,600		1	2
1/22/2024			0.9	0.5		\$1,600		1	2
1/23/2024			0.8	0.5		\$2,000		1	2
1/24/2024			0.7	0.5		\$2,000		1	2
1/25/2024			0.6	0.4		\$2,000		1	2
1/26/2024			0.6	0.5		\$2,000		1	1
1/27/2024			0.8	0.6		\$2,000		1	1
1/31/2024			0.8			\$1,200		1	1
2/1/2024			0.4			\$1,200		1	1
2/2/2024			0.8			\$1,600		1	1
2/3/2024			0.8			\$1,600		1	1
2/4/2024	0.43					\$1,600		1	1
2/5/2024			0.7			\$2,000		1	1
2/9/2024			0.9			\$1,200		1	1
2/12/2024			0.9			\$1,200		1	1
2/22/2024			0.9			\$1,200		1	1
2/23/2024			0.1			\$1,200		1	1
2/24/2024			0.1			\$1,600		1	1
2/25/2024			0.2			\$1,600		1	1
2/26/2024			0.2			\$1,600		1	1
2/27/2024			0.2			\$2,000		1	1
2/28/2024			0.2			\$2,000		1	1
2/29/2024			0.2			\$2,000		1	1
3/1/2024			0.2			\$2,000		1	1
3/2/2024			0.2			\$2,000		1	1
3/3/2024			0	0.7		\$2,000		1	2
3/4/2024			0.2	0.4		\$2,000		1	2
3/5/2024			0.2	0.4		\$2,000		1	2
3/6/2024			0.2	0.9		\$2,000		1	2
3/7/2024			0.2			\$2,000		1	1
3/8/2024			0.2			\$2,000		1	1
3/9/2024			0.1			\$2,000		1	1
3/10/2024			0.2			\$2,000		1	1
3/11/2024			0.1	0.4		\$2,000		1	2
3/12/2024			0.1	0.4		\$2,000		1	2
3/13/2024				0.5		\$2,000		1	1
3/14/2024				0.1		\$2,000		1	1

3/15/2024			0.7	0.2		\$2,000		1	2
3/16/2024			0.2			\$2,000		1	1
3/17/2024			0.1	0		\$2,000		1	2
3/18/2024			0.1	0.7		\$2,000		1	2
3/19/2024			0.1	0.3		\$2,000		1	2
3/20/2024			0.2	0.2		\$2,000		1	2
3/21/2024			0.1	0.2		\$2,000		1	2
3/22/2024			0.2	0.2		\$2,000		1	2
3/23/2024			0.2	0.6		\$2,000		1	2
3/24/2024			0.2			\$2,000		1	1
3/26/2024				0.2		\$1,200		1	1
3/27/2024			0.5			\$1,200		1	1
3/28/2024			0.1			\$1,600		1	1
3/29/2024			0.2	0.2		\$1,600		1	2
3/30/2024			0.1	0.9		\$1,600		1	2
3/31/2024			0.2	0.3		\$2,000		1	2
4/1/2024			0.2	0.3		\$2,000		1	2
4/2/2024	0.8		0.2	0.3		\$2,000		1	3
4/3/2024	0		0.1	0.2		\$2,000		1	3
4/4/2024	0.4		0.2	0.2		\$2,000		1	3
4/5/2024			0.9	0.2		\$2,000		1	2
4/7/2024			0.7	0		\$1,200		1	1
5/27/2024				0.5		\$1,200		1	1
5/28/2024				0.8		\$1,200		1	1
5/29/2024				0.9		\$1,600		1	1
5/30/2024			0.3	0.9		\$1,600		1	2
5/31/2024			0.2			\$1,600		1	1
6/1/2024			0.2	0.9		\$2,000		1	2
6/2/2024			0.1	0.6		\$2,000		1	2
6/3/2024			0.1	0.6		\$2,000		1	2
6/4/2024			0.1	0.6		\$2,000		1	2
6/5/2024			0.1	0.4		\$2,000		1	2
6/6/2024			0.1	0.5		\$2,000		1	2
6/7/2024			0.1	0.4		\$2,000		1	2
6/8/2024			0.1	0.5		\$2,000		1	2
6/9/2024			0.1	0.5		\$2,000		1	2
6/10/2024			0.1	0.4		\$2,000		1	2
6/11/2024			0.1	0.3		\$2,000		1	2
6/12/2024			0.1	0.3		\$2,000		1	2
6/13/2024			0.1	0.4		\$2,000		1	2
6/14/2024			0.1	0.4		\$2,000		1	2
6/15/2024			0.1	0.5		\$2,000		1	2
6/17/2024			0.4			\$1,200		1	1
6/18/2024			0.9			\$1,200		1	1
6/19/2024			0.8			\$1,600		1	1
6/20/2024			0.4			\$1,600		1	1
6/21/2024			0.5	0.4		\$1,600		1	2

Penalty (\$US)

\$184,000

Total Days
Violation

102

Total
Ponds/Day in

154

MSC BC Semi-Annual Report January-June 2024: Rumble Strips

Staff Reviewer: Leslie Sorensen

CJ 5.16	MSC shall maintain the rumble strips pursuant to the operating requirements in the Operations Plans.
Operations Plan, IX.4	When truck traffic is occurring on the Internal Road, MSC shall remove solids from the rumble strips at least once every 24 hours and shall remove solids more frequently as needed to maintain the rumble strips' effectiveness at removing dirt from truck tires.
Justification	No documentation was provided that solids were removed from rumble strips each day truck traffic occurred on the Internal Road, nor was documentation provided when there was or was not truck traffic on the Internal Road.

CJ 14.6	Period of Noncompliance	Penalty Per Day of Violation
Consecutive Days	1st through 2nd	\$500
Consecutive Days	3rd through 5th	\$750
Consecutive Days	6th and beyond	\$1,000

Dates of No Documentation	Consecutive Days of Violation	Days of Violation	Penalty Per Day of Violation	Calculated Penalty
1/1-1/4	4	2	\$500	\$1,000
		2	\$750	\$1,500
1/6-1/11	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
1/13-1/14	2	2	\$500	\$1,000
1/16-1/21	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
1/23-1/28	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
1/30-2/4	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
2/6-2/11	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
2/13-2/18	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
2/20-2/25	6	2	\$500	\$1,000
		3	\$750	\$2,250

		1	\$1,000	\$1,000
2/27-3/3	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
3/5-3/10	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
3/12-3/17	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
3/19-3/24	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
3/26-3/31	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
4/2-4/7	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
4/9-4/14	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
4/16-4/21	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
4/23-4/25	3	2	\$500	\$1,000
		1	\$750	\$750
4/27-5/5	9	2	\$500	\$1,000
		3	\$750	\$2,250
		4	\$1,000	\$4,000
5/7-5/12	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
5/14-5/19	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
5/21-5/26	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
5/28-6/2	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
6/4-6/9	6	2	\$500	\$1,000
		3	\$750	\$2,250

		1	\$1,000	\$1,000
6/11-6/16	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
6/18-6/23	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000
6/25-6/30	6	2	\$500	\$1,000
		3	\$750	\$2,250
		1	\$1,000	\$1,000

Total Days of
Violation

156

Penalty (\$US)

\$110,250

Date	Documentation of Solids Removal
1/1/2024	
1/2/2024	
1/3/2024	
1/4/2024	
1/5/2024	YES
1/6/2024	
1/7/2024	
1/8/2024	
1/9/2024	
1/10/2024	
1/11/2024	
1/12/2024	YES
1/13/2024	
1/14/2024	
1/15/2024	YES
1/16/2024	
1/17/2024	
1/18/2024	
1/19/2024	
1/20/2024	
1/21/2024	
1/22/2024	YES
1/23/2024	
1/24/2024	
1/25/2024	

1/26/2024	
1/27/2024	
1/28/2024	
1/29/2024	YES
1/30/2024	
1/31/2024	
2/1/2024	
2/2/2024	
2/3/2024	
2/4/2024	
2/5/2024	YES
2/6/2024	
2/7/2024	
2/8/2024	
2/9/2024	
2/10/2024	
2/11/2024	
2/12/2024	YES
2/13/2024	
2/14/2024	
2/15/2024	
2/16/2024	
2/17/2024	
2/18/2024	
2/19/2024	YES
2/20/2024	
2/21/2024	
2/22/2024	
2/23/2024	
2/24/2024	
2/25/2024	
2/26/2024	YES
2/27/2024	
2/28/2024	
2/29/2024	
3/1/2024	
3/2/2024	
3/3/2024	
3/4/2024	YES
3/5/2024	
3/6/2024	
3/7/2024	
3/8/2024	
3/9/2024	

3/10/2024	
3/11/2024	YES
3/12/2024	
3/13/2024	
3/14/2024	
3/15/2024	
3/16/2024	
3/17/2024	
3/18/2024	YES
3/19/2024	
3/20/2024	
3/21/2024	
3/22/2024	
3/23/2024	
3/24/2024	
3/25/2024	YES
3/26/2024	
3/27/2024	
3/28/2024	
3/29/2024	
3/30/2024	
3/31/2024	
4/1/2024	YES
4/2/2024	
4/3/2024	
4/4/2024	
4/5/2024	
4/6/2024	
4/7/2024	
4/8/2024	YES
4/9/2024	
4/10/2024	
4/11/2024	
4/12/2024	
4/13/2024	
4/14/2024	
4/15/2024	YES
4/16/2024	
4/17/2024	
4/18/2024	
4/19/2024	
4/20/2024	
4/21/2024	
4/22/2024	YES

4/23/2024	
4/24/2024	
4/25/2024	
4/26/2024	YES
4/27/2024	
4/28/2024	
4/29/2024	
4/30/2024	
5/1/2024	
5/2/2024	
5/3/2024	
5/4/2024	
5/5/2024	
5/6/2024	YES
5/7/2024	
5/8/2024	
5/9/2024	
5/10/2024	
5/11/2024	
5/12/2024	
5/13/2024	YES
5/14/2024	
5/15/2024	
5/16/2024	
5/17/2024	
5/18/2024	
5/19/2024	
5/20/2024	YES
5/21/2024	
5/22/2024	
5/23/2024	
5/24/2024	
5/25/2024	
5/26/2024	
5/27/2024	YES
5/28/2024	
5/29/2024	
5/30/2024	
5/31/2024	
6/1/2024	
6/2/2024	
6/3/2024	YES
6/4/2024	
6/5/2024	

6/6/2024	
6/7/2024	
6/8/2024	
6/9/2024	
6/10/2024	YES
6/11/2024	
6/12/2024	
6/13/2024	
6/14/2024	
6/15/2024	
6/16/2024	
6/17/2024	YES
6/18/2024	
6/19/2024	
6/20/2024	
6/21/2024	
6/22/2024	
6/23/2024	
6/24/2024	YES
6/25/2024	
6/26/2024	
6/27/2024	
6/28/2024	
6/29/2024	
6/30/2024	

MSC BC Semi-Annual Report January-June 2024: Main Pond Storage

Staff Reviewer: Leslie Sorensen

CJ 5.22	If MSC routes water from the Outer Pond to the Main Aeration Pond or any portion thereof as a temporary basin, then MSC shall manage any such water pursuant to the operating requirements in the Operations Plan.
Operations Plan, VIII.A	MSC shall use odor controlling equipment (OdorBoss) and use its best efforts to re-route water back to the Outer Pond as soon as practicable and use its best effort to remove any water from the Main Aeration
Justification	The Main Aeration Pond is intended for the temporary storage of wastewater from the Outer Ponds during a digester malfunction. The use of the Main Aeration Pond for 263 consecutive days is not considered temporary, and its use was for inventory control.

Start/End Main Pond Use	12/5/2023-8/24/2024
Is odor control being used?	Yes, except for Jan 15-22, 2024

CJ 14.4	Period of Violation	Penalty Per Day of Violation
Consecutive Days	1st through 2nd	\$750
Consecutive Days	3rd through 5th	\$1,250
Consecutive Days	6th and beyond	\$1,500

Dates Main Aeration Pond in Use	Consecutive Days of Violation	Days of Violation	Penalty Per Day of Violation	Calculated Penalty
1/1-6/30/2024	178	2	\$750	\$1,500
		3	\$1,250	\$3,750
		177	\$1,500	\$265,500

Total Days of Violation
182

Penalty (\$US)
\$270,750

MSC BC Semi-Annual Report January-June 2024: Effluent Limitations

Staff Reviewer: Leslie Sorensen

CJ 5.23	Michigan Sugar shall comply with the requirements of the NPDES Permit, Part I, Section A.1 (Final Effluent Limitations for Monitoring Point 005A).
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CJ 14.9	Period of Violation	Penalty Per Day of Violation
Consecutive Days	1st through 2nd	\$750
Consecutive Days	3rd through 5th	\$1,250
Consecutive Days	6th and beyond	\$1,500

Date of Violation	Consecutive Days of Violation	Days of Violation	Penalty Per Day of Violation	Calculated Penalty
1/7/2024	1	1	\$750	\$750
3/11/2024	1	1	\$750	\$750
3/18/2024	1	1	\$750	\$750
3/24/2024	1	1	\$750	\$750
3/27/2024	1	1	\$750	\$750
4/17/2024	1	1	\$750	\$750
4/22/2024	1	1	\$750	\$750

Total Days of Violation
7

Penalty (\$US)
\$5,250