



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 16, 2022

VIA E-MAIL

Randy Lesniak
Factory Manager
Michigan Sugar Company – Croswell Factory
159 South Howard Avenue
Croswell, Michigan 48422

SRN: B2876; Sanilac County

Dear Randy Lesniak:

SECOND VIOLATION NOTICE

On September 6, 2022; and July 28, 2022, the Michigan Sugar Company – Croswell factory (MSC CW) located at 159 South Howard Avenue in Croswell submitted quarterly continuous emissions monitoring system (CEMS) reports required by the facility's Renewable Operating Permit. The Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) reviewed the submitted reports to determine MSC CW 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 Renewable Operating Permit (ROP) Number MI-ROP-B2876-2019a.

On September 19, 2022, the AQD sent a Violation Notice citing violations discovered during the review of the 2022 second quarter CEMS reports for EU-RILEYBLR. The Violation Notice requested a written response by October 10, 2022. A copy of that notice is enclosed for reference. MSC submitted a response to the Violation Notice on October 10, 2022.

Based on the response to the Violation Notice, MSC CW has not demonstrated that adequate CEMS operation and quality assurance/quality control are being implemented, including operating, recordkeeping, and oversight for the CEMS at MSC CW.

The written response failed to include and/or inadequately addressed several items including but not limited to the following:

- Submission of the CEMs quality control written procedure required by Title 40 of the Code of Federal Regulations (40 CFR), Part 60, Appendix F, Procedure 1.
- Submission of the current list of personnel positions responsible for maintaining the CEMS, which is a required element of the quality assurance manual required by AQD Consent Order 2019-11.
- Steps taken to prevent a reoccurrence of the violations.

MSC CW will need to submit:

- A complete CEMS quality control procedure for the CEMS associated with EU-RILEYBLR that meets the requirements of 40 CFR, Part 60, Appendix F, Procedure 1 and Permit No. MI-ROP-B2876-2019a.
- The portions of the Quality Assurance manual required by VI.9 and VI.10 of the ROP that detail the personnel positions responsible for documentation of system maintenance, downtime, manual calibrations, analyzer adjustments, repairs, cylinder gas replacement.

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- The steps that are being taken to prevent a reoccurrence of the violation. Specifically, the steps that will be taken to ensure that a quarterly cylinder gas audit is performed in any operating quarter in which the boiler has operating hours. The boiler does not have to be operating during the actual cylinder gas audit procedure.

Please be advised that failure to respond in writing and identifying actions MSC CW will take or has taken to fully resolve the cited violations may result in escalated enforcement action by the AQD.

Please provide the information requested by November 30, 2022, which corresponds to 14 days from the date of this letter.

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

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

Please contact me by email at WellsL8@Michigan.gov or at the phone number listed below with any questions regarding the violations or the necessary actions to bring MSC CW into compliance.

Sincerely,



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

Enclosure: B2876_VN_20220919

cc: Meaghan Martuch, Michigan Sugar Company
Mary Ann Dolehanty, EGLE
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Jeremiah Brown, EGLE
Chris Hare, EGLE
Benjamin Witkopp, EGLE