



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

December 22, 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:

**VIOLATION NOTICE**

The Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) has reviewed the 2022 third quarter excess emissions, monitor downtime, and data assessment reports submitted by Michigan Sugar Company – Croswell Factory (MSC – Croswell) located at 159 South Howard Avenue in Croswell. The Renewable Operating Permit MI-ROP-B2876-2019a requires the facility to monitor and record nitrogen oxides (NO<sub>x</sub>) emissions from EU-RILEYBLR 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
EU-RILEYBLR	MI-ROP-B2876-2019a, EU-RILEYBLR, SC IV.4, VI.2, SC VI.8	Failure to continuously monitor NO <sub>x</sub> emissions during 2022 Third Quarter.
EU-RILEYBLR	ACO 2019-11, Paragraph 10	Failure to document/maintain records.

The 2022 third quarter Excess Emissions and Monitor Downtime report, and the quarterly Data Assessment Report were received on November 2, 2022, and December 14, 2022, respectively. 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 ROP MI-ROP-B2876-2019a.

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The 2022 third quarter excess emissions, monitor downtime, and data assessment reports indicate excess NO<sub>x</sub> monitor downtime for EURILEYBLR of 29.0 percent during the reporting period of July 1, 2022 – September 30, 2022.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by January 11, 2023 (which coincides with 21 calendar days from the date of this letter). The written response should include:

- The dates the violations occurred;
- An explanation of the causes and duration of the violations;
- Whether the violations are ongoing;
- A summary of the actions that have been taken and are proposed to be taken to correct the violations and the dates by which these actions will take place; and
- What steps are being taken to prevent a reoccurrence.

EU-RILEYBLR is subject to 40 CFR, Part 60, Subpart Db which requires records identifying periods in which monitoring data were not obtained, the reason data were not obtained, and the corrective actions taken. EU-RILEYBLR is also subject to AQD Consent Order 2019-11 which requires a quality assurance manual be implemented and all associated records maintained.

The quality assurance manual required by AQD Consent Order 2019-11 includes specific information that should be recorded in the event of monitor malfunctions. Please include the records associated with the 2022 third quarter downtime in the written response.

It should be noted that the facility is subject to the conditions of a Consent Order (AQD No. 2019-11) which was effective as of May 30, 2019. The violation presented above may result in stipulated penalties for the facility.

Please submit the written response to the following locations:

Lindsey Wells  
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 – Crosswell 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.

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Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violations 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: Meaghan Martuch, Michigan Sugar Company  
Nick Klein, Michigan Sugar Company  
Mary Ann Dolehanty, EGLE  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jeremiah Brown, EGLE  
Chris Hare, EGLE  
Benjamin Witkopp, EGLE  
Jenine Camilleri, EGLE