



GRETCHEN WHITMER
GOVERNOR

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



DANIEL EICHINGER
ACTING DIRECTOR

March 7, 2023

VIA E-MAIL

Randy Lesniak
Factory Manager, Responsible Official
Michigan Sugar Croswell Factory
159 South Howard Street
Croswell, Michigan 48422

SRN: B2876; Sanilac County

Dear Randy Lesniak:

VIOLATION NOTICE

On November 2, 2022, Michigan Sugar Company (MSC) submitted quarterly excess emissions and continuous emissions monitoring system (CEMS) data assessment performance reports (Quarterly CEMS Reports) and Renewable Operating Permit Certification Form (ROP certification) for the MSC Croswell Factory to the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD). The reports were submitted to meet the conditions of Renewable Operating Permit (ROP) number MI-ROP-B2876-2019a, Title 40 of the Code of Federal Regulations (40 CFR) Part 60, Subpart Db, and 40 CFR, Part 60, Appendix F.

On December 9, 2022, MSC Croswell performed relative accuracy test audits (RATAs) on the CEMS associated with EURILEYBLR. AQD staff requested CEMS records be made available for review during the RATA.

During the report review and records review, staff noted the following:

Process Description	Rule/Permit Condition Violated	Comments
CEMS associated with EU-RILEYBLR	ROP No. MI-ROP-B2876-2019a, General Conditions A.18	Cylinder Gas Audit (CGA) date was incorrect. ROP certification form signed by responsible official certifying that report was accurate.
	ROP No. MI-ROP-B2876-2019a, General Conditions A.17.; ROP No. MI-ROP-B2876-2019a, EU-RILEYBLR VI.8, VI.11, IX.1	During RATA MSC staff were unable to provide required data for AQD review.
	ROP No. MI-ROP-B2876-2019a, EU-RILEYBLR, SC. IV.4, SC VI.2, IX.1	The 2022 third quarter CEM audit is unacceptable.
	ROP No. MI-ROP-B2876-2019a, EU-RILEYBLR SC IV.4, SC VI.2	Due to invalid data, excessive monitor downtime for 4 th Quarter 2022 (October 1, 2022 until valid quarterly audit completed).
	ROP No. MI-ROP-B2876-2019a, EU-RILEYBLR SC VI.1, VI.2, VI.8, IX.1	Due to invalid data, the CEM data cannot be used to demonstrate compliance (October 1, 2022 until valid quarterly audit completed).

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The 2022 third quarter CEMS reports stated that the quarterly audit (CGA) had occurred on September 4, 2022. The submission included the summary excess emissions and monitor downtime reporting but did not include the data associated with the CGA.

AQD staff were on-site on December 9, 2022 to observe RATA testing and review CEM records. During this time, MSC was unable to produce requested records of CEM data of emissions, daily calibrations, and quarterly cylinder gas audits including the audits reported as being performed on September 4, 2022.

On December 14, 2022, MSC submitted additional information as a follow-up to the December 9, 2022 records requests. Upon the AQD review, the submission included the report of the audit but not the supporting CEM data. The AQD reiterated the request for tabulated CEM data and received a response on January 9, 2023.

On January 26, 2023, MSC staff were informed that the CEMS data provided on January 9, 2023 did not include audit (CGA) data. AQD staff requested verification of a CGA being conducted, the correct date, and the tabulated CEMS data associated with the CGA activity to be provided on or before January 30, 2023. The AQD also requested revised quarterly CGA reports reflecting the correct audit date be submitted by February 3, 2023.

The conditions of Permit No. MI-ROP-B2876-2019a require that these records be maintained and made available in a format suitable to the AQD upon request.

MSC provided an e-mail at 5:57 PM on February 3, 2023, that stated the gas audit had occurred on September 7, 2022. MSC provided minute data for the 24-hour period but did not annotate the tabulated data that corresponded to the CEM activity as requested or make note of the approximate time the audit (CGA) activity was performed. The email submission did not include an ROP Certification form or a revised quarterly report.

During the AQD review, the tabulated CEM data could not be correlated to the submitted reports. The tabulated CEMS data does not meet the minimum requirements of 40 CFR, Part 60, Appendix F, Procedure 1 and the 2022 Third Quarter CEMS audit is invalid. Therefore, the CEMS data are invalidated the beginning of the next successive quarter (October 1, 2022) until a valid audit is completed and passed. A valid quarterly audit is required in order for CEMS data to be utilized for compliance. Because CEMS quality assurance requirements are not met, the data beginning on October 1, 2022 is not acceptable to use for verification of compliance with emission limits.

Please initiate additional actions necessary to correct the cited violations and submit a written response to this Violation Notice by March 28, 2023 (which coincides with 21 calendar days from the date of this letter).

The response should describe in detail an explanation of procedures implemented to provide the AQD with data in real time and in a format suitable for review, procedures that will be implemented to conduct audits (CGAs) that meet the minimum performance and acceptance criteria of Procedure 1, the QA Manual records associated with the 2022 Third Quarter audit, and a revised quarterly CEMS report that includes the monitor downtime from October 1, 2022 until completion of a valid audit.

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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 violations presented above may result in stipulated penalties for the facility.

The response should include a signed ROP Certification Form.

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

If MSC Crowell 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.

Thank you for your attention to resolving the violations 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 or e-mail listed below.

Sincerely,



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

cc: Meaghan Martuch, MSC
Nick Klein, MSC
Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Regina Angellotti, EGLE
Jenine Camilleri, EGLE
Erin Moran, EGLE
Chris Hare, EGLE
Ben Witkopp, EGLE