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April 15, 2019

DEQ-AQD

APR 16 2019

SAGINAW BAY

Mr. Chris Hare, Supervisor
MDEQ-AQD Saginaw Bay City District
401 Ketchum Street
Bay City, Michigan 48708-5430

Regarding: Violation Notice March 19, 2019
Michigan Sugar Caro Factory, SRN B2875

Dear Mr. Hare:

I am responding on behalf of my client Michigan Sugar Company ("MSC" or the "Company") regarding the above referenced Violation Notice (VN), which was issued by the MDEQ to MSC's Caro Factory for failure to timely respond to an information request. The VN states that the information request was not supplied within 30-days of the request to update the CAM and MAP for this factory. I was somewhat surprised to learn that this VN was issued to MSC. The Company takes this allegation very seriously.

You might recall that the proposed CAM and MAP plans were initially submitted to the agency in July of 2018 and following further discussions revised plans were submitted in on January 18, 2019 (upon request from the MDEQ). The MDEQ then issued a letter on February 1, 2019 indicating that the initial submittals were insufficient and requesting additional information relating to the CAM and MAP plans. MSC did not ignore this request. Based on discussions with MDEQ staff both before and after the submittals of the draft CAM and MAP plans, it was our understanding that the draft plans that were already in process for MSC's Croswell facility would be used as a template for both the Caro and Sebewaing plans. As a result, we understood that the development of the CAM and MAP plans for the Caro and Sebewaing facilities would follow the completion of the Croswell CAM and MAP plans (both to prevent unnecessarily duplicative work for the agency and to provide for uniformity between the plants). I directly addressed this issue in my February 20, 2019 e-mail to Meg Sheehan and Chris Hare ("Re: Caro ROP Renewal Comments"), indicating as follows in relevant part:

We need to circle back to the MAP and CAM plans. We understand these plans will be separate and stand-alone requirements from the ROP. In keeping with this intent, we are seeking removal of specific CAM and MAP related elements from the ROP so they may be the subject of the respective plan.

We anticipate you will want to discuss our comments and next steps. I have open times on Tuesday (2/26) prior to noon, all day Thursday, (2/28) and all day Friday (3/1). Because this ROP involves several topics under improved approaches from the

AQD, you may want to include district staff working on the Michigan Sugar Sebewaing and Croswell factories in the discussion and would welcome this approach as well.

I was also involved in several subsequent telephone calls with AQD staff regarding the Caro, Sebewaing and Croswell ROPs in which I thought that it was generally understood that the Croswell CAM and MAP would be utilized as the template or model for all three sites. Based on the foregoing, we did not believe that the MDEQ expected any further information regarding the Caro or Sebewaing CAM and MAP plans (pending agreement on a template for all three sites).

Notwithstanding the foregoing, I wanted to provide a response regarding the two citations in the above-referenced VN, which are addressed below:

1. AQD Citation #1

Revised Compliance Assurance Monitoring Plan:

Comments sent by the AQD on November 28, 2018 requested that language related to opacity monitoring be removed from the CAM plan based on previous discussions and agreements with the Company. The draft that was received on January 18, 2019 did not have the requested changes. If it is the Company's intent to use opacity monitoring as a means of complying with 40 CFR Part 64 – Compliance Assurance Monitoring certified daily Method 9 visible emissions surveys will be added as special condition to MI-ROP-B2875-20XX. If it is not the source's intent to use opacity monitoring as a means for complying with part 64, the language must be removed from the plan

Response to Citation #1

We acknowledge that MSC and AQD had agreed to the removal of opacity monitoring from the CAM, since it is not an appropriate monitoring method in this instance. Accordingly, MSC removed opacity monitoring from the draft CAM (see Table 1 of January 18, 2019 CAM). Therefore, we don't understand why the MDEQ has requested any additional information as we have and had none to provide.

2. AQD Citation #2

Revised malfunction Abatement Plan (MAP)

Staff has determined the section for EUPULPDRYER does not meet the requirements of R336.1911. Specific sections that need to be added include:

- *R336.1911(2)(a). A complete preventive maintenance program, including a description of the items or conditions that shall be inspected, and the frequency of the inspection or repairs.*
- *R336.1911(2)(c). A description of the corrective procedures or operational changes that shall be taken in the event of a malfunction or failure to achieve compliance with the applicable emissions limits.*

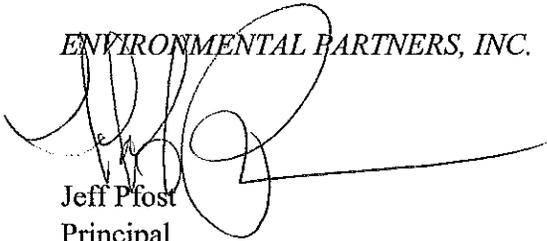
Response to Citation #2

MSC and the AQD remain engaged in discussions regarding the contents of the draft MAP plan. MSC did not provide additional information regarding the MAP in response to the MDEQ's February 1, 2019 because (as discussed above) we believed that the AQD planned to utilize the Crowell MAP as a template for the Caro MAP and the Crowell MAP had not been completed.

I apologize for any misunderstanding on our part regarding the information requested by the agency; however, as discussed above MSC believed that it had provided all information that the MDEQ had expected regarding the CAM and MAP Plans. MSC remains committed to open communication with the agency on this and all other matters. Please feel free to contact me to discuss how we might assist the agency in providing any additional information.

Sincerely,

ENVIRONMENTAL PARTNERS, INC.



Jeff Pfost
Principal

cc: Steve Smock, Michigan Sugar Company
Matt Eugster, Varnum Law
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