



GRETCHEN WHITMER  
GOVERNOR

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



LIESL EICHLER CLARK  
DIRECTOR

December 12, 2022

UPS NEXT DAY DELIVERY

**ENFORCEMENT NOTICE**

In the matter of:

Michigan Sugar Company – Bay City Factory  
2600 South Euclid Avenue  
Bay City, Michigan, 48708

SRN: B1493; Bay County

ATTENTION: Kelly Scheffler, Factory Manager

This letter is to advise you of the commencement of an escalated enforcement action against Michigan Sugary Company – Bay City Factory. This letter follows the July 18, 2022, and November 14, 2022, Violation Notices issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) which detailed violations of the Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, Title 40 of the Code of Federal Regulations (CFR), Part 60, Subparts Db and A; and the conditions of Renewable Operating Permit (ROP) No. MI-ROP-B1493-2021.

The cited violations against the Company are federally enforceable and are considered a High Priority Violation (HPV) by the United States Environmental Protection Agency (EPA). The HPV designation means that the EPA places a priority on enforcing the regulations governing this violation and on formally resolving alleged violations of this type. The AQD is required to report all HPVs to the EPA, pursuant to the state's grant commitments with the EPA and the state's delegated enforcement authority of the federal Clean Air Act.

The AQD is providing the Company with an opportunity to formally resolve these violations through the entry of a legally enforceable agreement that will include a compliance program and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 of NREPA, MCL 324.5528.

Be advised that failure to respond to this Enforcement Notice in a timely manner and adequately resolve or address the cited violations may result in further enforcement proceedings, including but not limited to, referral of the matter to the Michigan Department of Attorney General (MDAG) for commencement of civil litigation. This

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Enforcement Notice does not preclude or limit EGLE’s ability to initiate any other enforcement action under federal or state law as appropriate.

Please contact me at 517-275-0883 or by email at MoranE@Michigan.gov, no later than December 22, 2022, to schedule a meeting to discuss the resolution of this matter.

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

By:   
Erin Moran  
Air Quality Division, Enforcement Unit

Date: 12/12/2022

cc: Sarah Marshall, U.S. EPA, Region 5  
Margaret Bettenhausen, MDAG  
Chris Hare, EGLE  
Jenine Camilleri, EGLE  
Kathy Brewer, EGLE  
Lindsey Wells, EGLE