

Ms. Kathy Brewer
EGLE-AQD
401 Ketchum Street
Bay City, Michigan, 48708

April 19, 2023

Subject: Response to VN 20230330 Dated March 30, 2023
MI-ROP-B1493-2021
Michigan Sugar Company – Bay City Factory

Dear Ms. Brewer:

Michigan Sugar Company (MSC) respectfully submits this response to the March 30, 2023 Violation Notice (VN) issued by the Michigan Department of Environment, Great Lakes and Energy (EGLE). In that VN, EGLE alleged a violation of Rule 901 and MI ROP-B1493-2021 General Condition 12 based on alleged odors in a residential area from the Outer Pond at MSC's Bay City Facility.

The VN indicates that *"In the professional judgment of AQD staff, the odors that were observed were of sufficient intensity, frequency, and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451 ("the Act") and General Condition 12 of ROP number MI-ROP-B1493-2021."*

MSC notes the VN fails to provide any information regarding the observed intensity, frequency, or duration of odors or the protocol followed by the agency in making its determination. MSC reiterates its long-held position that EGLE has failed to establish any meaningful standards for determining compliance with (or violations of) Rule 901. As a result, *any and all* alleged violations set forth in this VN are premised solely on the subjective perception of the inspector (rather than any scientifically valid approach supported by relevant data), and therefore, MSC disputes such violations. Moreover, EGLE has failed and refused to implement defined standards or protocols for the performance of odor investigations, and therefore, EGLE has not provided relevant information or data in support of alleged violations.

Subject to the objections set forth above, MSC further responds as follows with regard to the specific statements and allegations in the VN:

1. Outer Pond – At the request of EGLE, MSC installed the Outer Pond cover to manage potential odors. It is required to keep the cover in place under the terms of the Consent Judgment (Case No. 17-0000727-CE) *"to reduce the release of potentially odorous gases to the atmosphere"*. See Appendix C to the Consent Judgment at Section VI (Cover for Outer Pond).

MSC conducts routine inspections and maintains the Outer Pond cover in a state of good repair. MSC has noted an increase in biological activity and gas generation in the Outer Pond, along with the appearance of foam, starting on or about March 7, 2023. MSC does not believe this material to be pond sludge or other solid material escaping the cover (as the VN seems to suggest).

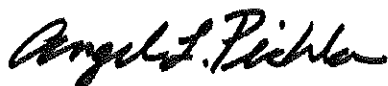
MSC has taken action to reduce biological activity in the Outer Pond. Hydrogen Peroxide has been added to the Outer Pond to aid in the reduction of activity and reduce foam production. MSC has also reduced the hydraulic load in this pond to prepare for digester shutdown. MSC plans to power wash the Outer Pond cover to remove any observed foam-like material when weather permits. MSC will continue to conduct routine inspections and will address any additional foaming issues as they arise.

In addition to the responses to the alleged violations set forth above, the VN requested additional information;

- o **Outer Pond Cover Inspections January 29 through April 9, 2023 are attached to this response.**
- o **MSC did not receive any odor complaints from January 29 through March 21, 2023.**

Notwithstanding the foregoing, MSC desires to cooperate with EGLE to the extent possible. Please feel free to contact me directly should you wish to discuss this matter further.

Sincerely,



Angel L. Pichla
Environmental Superintendent

Notification

ec: Jenine Camilleri, EGLE – Enforcement Unit Supervisor
Jason Kain, MSC – Bay City Factory Manager
Nick Klein, MSC - Vice President of Operations
Meaghan Martuch, MSC – Air Compliance Manager
Eric Rupprecht, MSC – Water & Wastewater Compliance Manager
Matthew Eugster, Varnum
Matthew Zimmerman, Varnum

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 B EUCLID AVE
BAY CITY, MI 48708

ID: 63d294ba685036-1b424666-94-119 (PARTIAL)
CREATED 2023-01-26 09:56:58, APPROVED 2023-01-26 09:56:58 BY HALLERO

FORM #500-4

Date

2023-01-26

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2500 S EUGLID AVE
BAY CITY, MI 48708

ID: 643d8b300319d8-26216687-190-119 (PARTIAL)
CREATED 2023-04-17 14:08:48, APPROVED 2023-04-17 14:08:48 BY PICHIAA

FORM #500-4

Date

2023-02-02

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUBANK AVE
BAY CITY, MI 48708

IDI 63266864965125-62691822-94-119 (PARTIAL)
CREATED 2023-02-10 10:53:08, APPROVED 2023-02-10 10:53:08 BY HALLERD

FORM #500-4

Date

2023-02-10

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUGLID AVE
BAY CITY, MI 48708

ID: 63EFD56DE538D5-55939677-94-119 (PARTIAL)
CREATED 2023-02-17 13:20:16, APPROVED 2023-02-17 13:20:16 BY HALLERD

FORM #500-4

Date

2023-02-17

Outer/Anamet Feed Pond Cover

Is the cover on?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is a portion of the cover removed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Percentage removed	_____	
Reason for removal	_____	
Temperature (F)	_____	
Is there damage to the pond cover?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUGLIO AVE
BAY CITY, MI 48708

IDI: 63F8E8300AD239-267656D4-94-119 (PARTIAL)
CREATED 2023-02-24 11:39:24, APPROVED 2023-02-24 11:39:24 BY HALLERD

FORM #500-4

Date

2023-02-24

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUCLID AVE
BAY CITY, MI 48708

ID: 6400064275d459-40344299-94-119 (PARTIAL)
CREATED 2023-03-02 10:52:34, APPROVED 2023-03-02 10:52:34 BY HALLERO

FORM #500-4

Date

2023-03-02

Outer/Anamet Feed Pond Cover

Is the cover on?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is a portion of the cover removed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Percentage removed	_____	
Reason for removal	_____	
Temperature (F)	_____	
Is there damage to the pond cover?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUCLID AVE
BAY CITY, MI 48708

ID: 640A0077236636-87747402-94-119 (PARTIAL)
CREATED 2023-03-09 10:51:19, APPROVED 2023-03-09 10:51:19 BY HALLERO

FORM #500-4

Date

2023-03-09

Outer/Anamet Feed Pond Cover

Is the cover on?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is a portion of the cover removed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Percentage removed	_____	
Reason for removal	_____	
Temperature (F)	_____	
Is there damage to the pond cover?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUCLID AVE
BAY CITY, MI 48708

ID: 641362508e7128-27081307-94-119 (PARTIAL)
CREATED 2023-03-16 14:39:25, APPROVED 2023-03-16 14:39:25 BY HALLERD

FORM #500-4

Date

2023-03-16

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUCLID AVE
BAY CITY, MI 48708

Id: 64108e40e55350-23834229-94-119 (PARTIAL)
CREATED 2023-03-23 13:24:16, APPROVED 2023-03-23 13:24:16 BY HALLERG

FORM #500-4

Date

2023-03-23

Outer/Anamet Feed Pond Cover

Is the cover on?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Is a portion of the cover removed?	<input checked="" type="radio"/> Yes	<input type="radio"/> No
Percentage removed	_____	
Reason for removal	_____	
Temperature (F)	_____	
Is there damage to the pond cover?	<input type="radio"/> Yes	<input checked="" type="radio"/> No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUCLID AVE
BAY CITY, MI 48708

IDI: 64383368EAF066-30068048-94-1 19 (PARTIAL)
CREATED 2023-04-13 12:52:56, APPROVED 2023-04-13 12:52:56 BY HALLERO

FORM #500-4

Date

2023-03-30

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments

WEEKLY ENVIRONMENTAL LOG

MICHIGAN SUGAR COMPANY - BAY CITY
2600 S EUDLID AVE
BAY CITY, MI 48708

ID: 643834A7D1A906-569479D1-94-119 (PARTIAL)
CREATED 2023-04-13 12:58:14, APPROVED 2023-04-13 12:58:15 BY HALLERD

FORM #500-4

Date

2023-04-06

Outer/Anamet Feed Pond Cover

Is the cover on?

Yes

No

Is a portion of the cover removed?

Yes

No

Percentage removed

Reason for removal

Temperature (F)

Is there damage to the pond cover?

Yes

No

Comments