

JUL 22 2024

Bay City



Mr. Nathanael Gentle  
EGLE-AQD  
401 Ketchum Street  
Bay City, Michigan, 48708  
GentleN@Michigan.gov

July 17, 2024

Subject: Response to VN 20240627 Dated June 27, 2024  
MI-ROP-B1493-2021  
Michigan Sugar Company – Bay City Factory

Dear Mr. Gentle:

Michigan Sugar Company (MSC) respectfully submits this response to the June 27, 2024, 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 *"sugar beet processing waste streams handling"* at MSC's Bay City Facility. Furthermore, EGLE alleged a violation of the Consent Judgement 17-000727-CE, Paragraph 5.3, regarding the *"Cover for the Outer Pond"*. EGLE alleges the *"Pond Cover did not entirely cover the Pond; this demonstrates MSC is not properly maintaining the Outer Pond Cover"*.

The VN indicates that *"In the professional judgment of AQD staff, the odors that were observed on June 6, 2024, were of sufficient intensity, frequency, and duration so as to constitute a violation of Rule 901 of the administrative rules promulgated under Act 451 and General Condition 12 of ROP Number MI-ROP-B1493-2021."* Furthermore, EGLE alleges *"The odor survey was conducted around the perimeter of the facility within residential areas. Winds during the survey were out of the WSW at 10-20 mph. The AQD staff detected objectionable odors in a residential area near the company located east of the facility. No objectional odors were detected at any other cardinal directions from the facility. This suggests objectional odors observed originated from MSC."*

EGLE further alleges the Outer Pond Cover was not covering the entire Outer Pond and that the observed condition *"demonstrates MSC is not properly maintaining the Cover including identifying visible damage and promptly repairing damage identified."*

The VN requests a *"written response to this Violation Notice by July 18, 2024 (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."*

Before issuing any further response, MSC questions whether an odor violation occurred. MSC has previously raised its concern that EGLE has failed to establish any objective or meaningful standards for determining compliance with (or violations of) Rule 901. Given that Rule 901 allegations set forth in this VN are premised solely on the subjective perception of the inspector (rather than a recorded reading or scientifically reproduceable approach supported by relevant data), MSC has little information to identify the specific source or sources of odors, let alone the

intensity of the odor source. In the future, MSC respectfully requests that EGLE share additional relevant information (e.g., a description of the odor's type, intensity, and source) in support of the odor allegations as well as provide notice to MSC as soon as possible so that MSC representatives may investigate the issue.

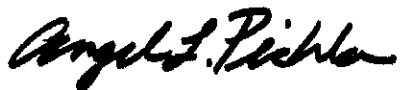
Notwithstanding the foregoing, and without acknowledging a violation of Rule 901 (which MSC questions), MSC offers the following responses:

- MSC is conducting a pre-engineering study for the installation of belt presses. MSC believes the addition of belt presses will assist with minimizing potential odors from the wastewater system.
- MSC has created an action plan to clean and maintain the Outer Pond Cover. The goal will be to have the cover back in service by the start of the Campaign – September 2024.

MSC acknowledges that EGLE may elect to issue a violation notice pursuant to Paragraph 6.2 of the Consent Judgment. As you noted, the issuance of a VN triggers a requirement for both parties to meet within 30 days to try to negotiate a resolution of the alleged violations pursuant to Paragraph 6.3 of the Consent Judgment. MSC stands ready and willing to comply with the meeting requirement, however, seeks EGLE's feedback on whether a meeting is warranted in this situation. If EGLE desires a meeting to occur, please provide suggested dates and times that would work best for the EGLE team.

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-AQD  
Eric Rupprecht, MSC  
Randy Axtman, MSC – Bay City Factory Manager (Interim)  
Nick Klein, MSC - Vice President of Operations  
Kurt Kissling, Warner