



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



DAN WYANT
DIRECTOR

October 1, 2013

Mr. Gary Witzgall
Factory Manager
Michigan Sugar Company
2600 South Euclid Avenue
Bay City, Michigan 48706

SRN: B1493, Bay County

Dear Mr. Witzgall:

SECOND VIOLATION NOTICE

On August 20, 2013, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), conducted an odor survey for offsite locations surrounding the Michigan Sugar Company, 2600 South Euclid Avenue, Bay City, Michigan. The purpose of the verification activities were to determine compliance with the requirements of the federal Clean Air Act, Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act (NREPA), 1994 PA 451, as amended (Act 451), the administrative rules, and to investigate complaints received regarding foul odors attributed to facility operations.

As a result of verification activities, staff reported the following:

Process Description	Rule/Permit Condition Violated	Comments
Waste Water Treatment Ponds	Rule 336.1901(b)	Strong sewage/feces like odors offsite

On August 27, 2013, the AQD sent your company a violation notice citing violations discovered as a result of the verification activities. The referenced letter also documented that AQD staff reported receipt of complaints since July 1, 2013, with the intent of notifying Michigan Sugar Company (MSC) of the issue and allowing MSC to take appropriate actions to correct the problem in a timely manner. Since the August 27, 2013 violation notice, AQD staff continued to receive odor complaints bringing the total to 77.

A review of file records indicates that MSC in Bay City has had a history of nuisance odor and pond management problems which have resulted, in part, in consent orders

85-CV-10309BC (satisfied June 14, 1996) and CO-92683-CE (satisfied October 17, 2006) as well as a lawsuit by neighboring residents. More recently, AQD staff has issued a total of nine (9) violation notices since 2006 to MSC for violating Rule 336.1901(b) based on nuisance odors emanating from MSC. In recent years the DEQ has also responded to complaints that resulted from the improper disposal of wastewater residuals in violation with the facilities Agricultural Use Agreement. A review of MSC's September 16, 2013, response has been found to be incomplete. The referenced violation notice requested a written response including the following specifics:

- "the dates the violation occurred;
- an explanation of the specific causes of the violation;
- whether the violation continues to be ongoing;
- a summary of the actions that have been taken and are proposed to be taken to correct the situation that resulted in the violation and
- the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence."

The response failed to provide specific dates with regards to causes and actions, though it provided a general indication that annual pond cleaning activities are the source of annual odor issues. The document indicates that generally accepted procedures were followed over the summer for pond cleaning activities. However, the response failed to indicate what steps are being taken to prevent a reoccurrence. Based on the response, it appears that the same practices and procedures will continue to be utilized.

The operation of a wastewater pond system, including management of the wastewater and residuals resulting from the treatment or control of wastewaters must be done in an environmentally compatible manner. Procedures based on the loading, design, and optimization of the wastewater system must be developed for the facility that incorporate annually occurring variable circumstances such as weather conditions. At a minimum, the facility must provide a schedule to evaluate improved solids handling and disposal procedures, including but not limited to solids removal during the campaign season and agricultural pond solids management practices. DEQ engineers are willing to work with MSC to develop and evaluate other handling options that better address odor issues associated with the waste water pond system and annual residual management.

Please be advised that failure to respond in writing and identifying actions your company will take or has taken to resolve the cited violations may result in escalated enforcement action by the DEQ. Please provide the information requested by October 16, 2013, which corresponds to 15 business days from the date of this letter.

Notwithstanding your response to the preceding citations, the DEQ may initiate further enforcement action to address violations of state and federal Clean Air Acts, rules and regulations.

If you have any questions regarding the violations or the action necessary to bring your facility into compliance, please contact me at the number below. Please send your response to this letter directly to me at the address below.

Sincerely,



Sharon G. Leblanc
Air Quality Analyst
Air Quality Division
989-894-6212

cc: Mr. Chris Hare, DEQ
Mr. Steven Smock, MSC
Mr. David Noble, MSC
cc/via email: Mr. Brian Rudolph, DEQ
Mr. Phil Roycraft, DEQ
Ms. Lynn Fiedler, DEQ
Ms. Teresa Seidel, DEQ
Mr. Thomas Hess, DEQ