



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
BAY CITY DISTRICT OFFICE

EGLE
LIESL EICHLER CLARK
DIRECTOR

April 7, 2021

Mr. Kelly Scheffler, Factory Manager
Michigan Sugar Company
2600 South Euclid Avenue
Bay City, Michigan 48706

SRN: B1493, Bay County

Dear Mr. Scheffler:

VIOLATION NOTICE

On March 23, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection in the area near the Michigan Sugar Company, Bay City plant located at 2600 South Euclid Avenue, Bay City, Michigan (MSC). The purpose of this inspection was 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, 1994 PA 451, as amended (Act 451); the Air Pollution Control Rules; and to investigate recent complaints which we received between March 15 and March 23, 2021 regarding foul odors attributed to MSC operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Facility flume clarifier, flume ponds, and aeration ponds	Rule 901 and ROP No. MI-ROP-B1493-2016 General Condition 12	Odors in residential area associated with low oxygen in facility ponds due to hydraulic and organic overloading

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 and General Condition 12 of ROP number MI-ROP-B1493-2016.

AQD staff conducted an odor observation survey and detected strong offensive odors in residential areas near MSC downwind of the facility. AQD staff also observed grey to black water in the East and West aeration ponds as well as very dark brown and slightly greyish water in the New and Final aeration ponds. Oxygen levels in the West, New, and Final ponds were reported as being below 1 mg/l. Since March 23, 2021, the AQD has received additional complaints regarding odors attributed to the MSC site ponds.

MSC has been providing the AQD with aeration pond daily dissolved oxygen level updates. As of April 6, 2021, some of the aeration pond dissolved oxygen levels remain below 1 mg/l.

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MSC has noted a continuous decrease in the aeration pond COD loadings. MSC has agreed to continue providing frequent updates to the AQD. MSC staff have agreed to meet with staff from EGLE AQD and Water Resource Division on April 13, 2021 to review the event.

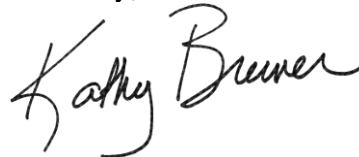
Please submit a written response to this Violation Notice by May 28, 2021 (which coincides with 21 calendar days from the date of this letter). The written response should include an explanation of the causes of the violation; a summary of the actions that have been taken and are proposed to be taken in addition to completing land application of the solids, if necessary, to correct the cited violations and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to EGLE, AQD, Bay City District, at 401 Ketchum Street, Suite B, Bay City, Michigan 48708 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If MSC believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violation cited above and for the cooperation that was extended to me during my inspection of the odor complaints. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below or at brewerk@michigan.gov.

Sincerely,



Kathy Brewer
Senior Environmental Quality Analyst
Air Quality Division
989 439-2100

cc: Mr. Eric Rupprecht, MSC
Ms. Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Ms. Jenine Camilleri, EGLE
Mr. Christopher Ethridge, EGLE
Mr. Chris Hare, EGLE
Mr. Charles Bauer, EGLE