



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

May 9, 2022

Eric Rupprecht
Michigan Sugar Company
2600 South Euclid Avenue
Bay City, Michigan 48706

SRN: B1493, Bay County

Dear Eric Rupprecht:

VIOLATION NOTICE

On April 22, 2022, 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 BC). 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 were received between February 21 and April 22, 2022 regarding foul odors attributed to MSC BC operations.

During the inspection, staff observed the following:

Process Description	Rule/Permit Condition Violated	Comments
Flume ponds and aeration ponds	Rule 901 and ROP MI-ROP-B1493-2016, General Condition 12	Odors in residential area associated with low oxygen in facility ponds due to hydraulic and organic overloading.
Channel and beet piling grounds	Rule 901 and ROP MI-ROP-B1493-2016, General Condition 12	Odors in residential area associated with rotting vegetable matter/beets.

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-B1493-2016.

The AQD staff conducted an odor observation survey and detected strong offensive odors in residential areas near the company downwind of the facility.

On the MSC BC site AQD staff observed grey to black water in the East and West aeration ponds as well as a mix of very dark brown to black water in the New and the Final aeration ponds. All the aeration ponds had large areas covered in foam that ranged in color from

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light brown to black. All aeration ponds were reported to have dissolved oxygen levels below 1 mg/l.

The Main aeration pond was filled with wastewater, dark in color and small bubbles on the surface.

During AQD's odor investigation staff observed a strong mix of septic and manure like odors near the Outer Pond, and in the area of the aeration ponds. For odor control, MSC BC staff stated that the Main aeration pond has had some hydrogen peroxide applied, the OMI system had been operated, and the Odor Boss had not yet been operated.

Review of March 2022 MSC BC National Pollutant Discharge System (NPDES) permit No. MI0001091 records show MSC BC reported violations of their NPDES permit limits during the month of March.

An area south of the Flume ponds was being used for Chip and Tail pieces from the sugar beet cutting process. MSC BC has been storing Chips and Tails in the area. The runoff from the piled Chips and Tails drains toward the Channel along the south end of the Flume ponds. The Channel was mostly black, septic, and foamy. The Chips and Tails area had a putrid rotting vegetable odor.

Please submit a written response to this Violation Notice by May 30, 2022 (which coincides with 21 calendar days from the date of this letter). The written response should include an explanation of the causes of the violations; actions taken or planned that are 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.

In addition, please identify operating contingency plans and technical options to be taken to reduce the detrimental impact of equipment failures on the WWTP. Also, provide specific detail regarding communication, management responsibilities, and production options when equipment failure results in violations of the Consent Judgement, EGLE regulations, and permits. The response should address the adequacy of immediately available critical equipment spare parts, preventative operations and maintenance, and asset management and life cycle infrastructure planning and replacement strategies.

In your response include the following for the period of February 1 to April 30, 2022:

- The first date when placement of Chip and Tail material south of the Flume ponds occurred;
- The dates Chip and Tails accumulated during the 2021-2022 were removed from the area south of the Flume ponds;
- The date all accumulated Chip and Tail material south of the flume ponds was removed;
- A description of future management for Chips and Tails handling to prevent nuisance odors;
- The date the anaerobic digester was first bypassed;
- The last date of anaerobic digester bypass; and

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- An estimated volume bypassed daily.

For the 2021-2022 campaign provide the following:

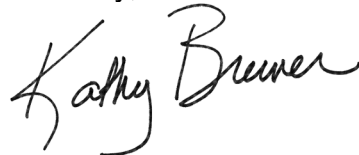
- The date the flume clarifier was taken out of service;
- The date the flume clarifier returned to service;
- The date the Old Main Pond began receiving wastewater;
- The date the Old Main Pond began hydrogen peroxide application;
- The date the Old Main Pond stopped receiving wastewater;
- The dates the Odor Boss was operated;
- The dates the OMI system was operated.

Please submit the written response to Chris Hare, 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 BC 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: Kelly Scheffler, Michigan Sugar
Meaghan Martuch, Michigan Sugar
Laura Doud, MDARD
Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Jenine Camilleri, EGLE
Christopher Ethridge, EGLE
Chris Hare, EGLE
Charles Bauer, EGLE