



GRETCHEN WHITMER
GOVERNOR

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

EGLE
LIESL EICHLER CLARK
DIRECTOR

June 3, 2022

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

SRN: B1493, Bay County

Dear Eric Rupprecht:

VIOLATION NOTICE

On May 25, 2022, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), conducted an inspection in the area near Michigan Sugar Company – Bay City 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 we received between May 13 and May 24, 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 New aeration pond. The Final aeration pond was black with small bubbles over the surface and appeared septic.

During AQD's odor investigation, staff observed a sour milk-like odor by the East and West aeration ponds, and a strong mix of septic and manure like odors near the New and the Final aeration pond. MSC BC staff provided May 25, 2022 Dissolved Oxygen (DO) levels of 1.3 mg/l the New aeration, 0.2 mg/l DO in the Final aeration, 8.1 mg/l DO in the East aeration, and 2.0 mg/l DO in the West aeration ponds.

The rotting Chip and Tail pieces previously stored in an area south of the Flume ponds have been removed. The Channel was still two-thirds full of black, septic, and foamy material.

Please submit a written response to this Violation Notice by June 24, 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 your response include the following for the period of May 13 – May 24, 2022:

- The dates of solids removal from the Channel;
- The date aeration in the Final aeration pond ceased; and
- Any records of odor complaints MSC BC received.

Also provide the date MSC BC began dewatering the flume ponds and the last date the anaerobic digester received influent from flume ponds or other activities on the site.

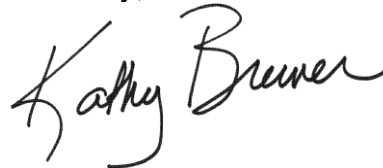
Please submit the written response to Chris Hare, EGLE, AQD, Bay City District, at 401 Ketchum Street, Suite B, Bay City, Michigan 48708 and submit a copy to Ms. Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

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.

Eric Rupprecht
Michigan Sugar Company – Bay City
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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,

A handwritten signature in black ink that reads "Kathy Brewer". The signature is written in a cursive style with a large initial "K" and a long, sweeping underline.

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

cc: Kelly Scheffler, MSC BC
Meaghan Martuch, MSC BC
Angel Pichla, MSC BC
Laura Doud, MDARD
Mary Ann Dolehanty, EGLE
Dr. Eduardo Olaguer, EGLE
Jenine Camilleri, EGLE
Christopher Ethridge, EGLE
Chris Hare, EGLE
Charles Bauer, EGLE