



GRETCHEN WHITMER
GOVERNOR

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



LIESL EICHLER CLARK
DIRECTOR

November 14, 2022

VIA EMAIL ONLY

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

SRN: B1493, Bay County

Dear Kelly Scheffler:

SECOND VIOLATION NOTICE

On March 16, 2022, and September 14, 2021, the Michigan Sugar Company – Bay City facility (MSC BC) located at 2600 South Euclid Avenue in Bay City, Michigan, submitted Annual and Semi-annual reports required by the facility's Renewable Operating Permit. MSC BC has also submitted Quarterly Operating Reports and Continuous Emission Monitoring (CEM) reports for 2021. The Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), reviewed the submitted reports to determine MSC BC's 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 the conditions of Renewable Operating Permit (ROP) number MI-ROP-B1493-2021 issued on November 4, 2021.

On July 18, 2022, the AQD sent MSC BC a Violation Notice citing violations discovered as a result of the review of reports and the June 14, 2022 site visit. The Violation Notice requested your written response by August 8, 2022. A copy of that letter is enclosed for your reference. MSC BC submitted a response to the Violation Notice on August 5, 2022.

Based on the June 14, 2022 site visit and your response to the Violation Notice, MSC BC has not demonstrated that adequate Continuous Emission Monitoring System (CEMS) operation and quality assurance/quality control are established or implemented, including operating, recordkeeping, and oversight, for the CEMS at MSC BC.

The written response failed to include or inadequately address several items including but not limited to the following:

- MSC BC has not enumerated the CEMS elements that are critical to show compliance with CEMS quality assurance requirements. MSC BC provided segments of a CEMS operating manual. The manual includes hardware and software operation but does not detail the requisite quality assurance or quality control procedures and their associated acceptance criteria.

- A complete quality control manual for the facility's specific CEMS was not provided. This includes details of the steps and methods necessary to ensure the accuracy of the CEMS data in accordance with the applicable CEMS performance specifications and quality assurance procedures.
- Calibration calculations and corrective actions were referenced but not provided. Step-by-step procedures and acceptance criteria for the determination of CEM calibration drift are a required element of the above referenced quality control plan.
- MSC BC did not provide detail on operator training or refer to or include an established operator training procedure for CEMS.
- No documentation of CEM alarms, alarm setpoints, investigation or action taken in response to alarms was provided. Repeating a calibration in response to a failed calibration alarm does not constitute troubleshooting to determine the cause for the alarm.
- Additional requirements of 40 CFR 60, Appendix F, Procedure 1, and Michigan Monitoring Plans were not provided.

MSC BC will need to submit a complete CEMS monitoring Plan for the CEMS associated with Boiler#8 and FGBOILERS that meets the requirements of 40 CFR 60, Appendix F, Procedure 1, and Michigan Monitoring Plan Requirements for Gaseous Monitors.

Please be advised that failure to respond in writing and identifying actions MSC BC will take or has taken to fully resolve the cited violations may result in escalated enforcement action by the AQD.

Please provide the information requested by November 28, 2022, which corresponds to 14 days from the date of this letter.

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 Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

Be further advised that issuance of this Violation Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under state or federal law as appropriate.

Kelly Scheffler
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If you have any questions regarding the violations or the necessary actions to bring MSC BC into compliance, please contact Lindsey Wells by email (WellsL8@michigan.gov) or by phone 517-282-2345 or contact me at the number listed below.

Sincerely,

A handwritten signature in black ink that reads "Kathy Brewer". The signature is written in a cursive, flowing style.

Kathy Brewer
Senior Environmental Quality Analyst
Air Quality Division
989-493-2100
brewerk@michigan.gov

cc: Meaghan Martuch, MSC
Angel Pichla, MSC
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