



GRETCHEN WHITMER  
GOVERNOR

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



PHILLIP D. ROOS  
DIRECTOR

March 25, 2024

VIA EMAIL ONLY

Jason Kain, Plant Manager  
Michigan Sugar Company – Bay City Factory  
2600 South Euclid Avenue  
Bay City, Michigan 48708

SRN: B1493, Bay County

Dear Jason Kain:

**VIOLATION NOTICE**

On November 4, 2021, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), issued MI-ROP-B1493-2021 to Michigan Sugar Company – Bay City Factory (MSC) located at 2600 South Euclid Avenue, Bay City, Michigan 48706. The ROP encompasses natural gas boilers operated at the facility, including EUBOILER#6, and EUBOILER8. Conditions in MI-ROP-B1493-2021 associated with the aforementioned boilers specify testing/sampling requirements.

The AQD alleges MSC is in violation of the following testing/sampling requirements of MI-ROP-B1493-2021.

Process Description	Rule/Permit Condition Violated	Comments
EUBOILER8	Special Condition (S.C.) V.2. The permittee shall verify the Carbon Monoxide and Nitrogen Oxide emission rate from EUBOILER8 within 24 months after issuance of ROP-MI-B1493-2021, and at a minimum, every five years from the date of the last test thereafter.	Verification of the Carbon Monoxide emission rate from EUBOILER8 was not completed within 24 months after issuance of ROP-MI-B1493-2021.
FGBOILERS	S.C. V.2. The permittee shall verify the Carbon Monoxide emission rate from FGBOILERS within 24 months after issuance of ROP-MI-B1493-2021, and at a minimum, every five years from the date of the last test thereafter.	Verification of the Carbon Monoxide emission rate from EUBOILER#6 in FGBOILERS was not completed within 24 months after issuance of ROP-MI-B1493-2021.
FGBOILERS	S.C. V.3. The permittee shall notify the AQD Technical Programs Unit Supervisor and the District Supervisor not less than 30 days of the time and place before performance tests are conducted.	Notifications of the time and place performance testing to verify the Carbon Monoxide emission rate for EUBOILER#6 on both November 30, 2023 and

		March 7, 2024 test dates were provided less than 30 days prior to the test dates.
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EUBOILER8 Special Condition V.2. of MI-ROP-B1493-2021 stipulates the permittee shall verify the Carbon Monoxide and Nitrogen Oxide emission rate from EUBOILER8 within 24 months after issuance of ROP-MI-B1493-2021, and at a minimum, every five years from the date of the last test thereafter. The AQD does not have record of testing to verify the Carbon Monoxide rate from EUBOILER8 having been completed for EUBOILER8 since MI-ROP-B1493-2021 was issued on November 4, 2021. Twenty-four months after the issuance of MI-ROP-B1493-2021 was November 4, 2023.

A test plan, which included emission testing of EUBOILER8 was submitted to the AQD on October 2, 2023. The test plan detailed Nitrogen Oxide emission rate testing would be performed on the exhaust of EUBOILER8 on October 31, 2023. Details of testing to verify the Carbon Monoxide rate from EUBOILER8 were not included in the test plan. A final test report was received by the AQD on January 8, 2024, detailing results of emission testing completed on EUBOILER8 on October 31, 2023. The test report included details of the Nitrogen Oxide emission rate for EUBOILER8. The test report did not include results of the Carbon Monoxide rate from EUBOILER8.

FGBOILERS Special Condition V.2. stipulates the permittee shall verify the Carbon Monoxide emission rate from FGBOILERS within 24 months after issuance of ROP-MI-B1493-2021, and at a minimum, every five years from the date of the last test thereafter. Additionally, S.C. V.3. stipulates the permittee shall notify the AQD Technical Programs Unit Supervisor and the District Supervisor not less than 30 days of the time and place before performance tests are conducted. Testing to verify the Carbon Monoxide emission rate of EUBOILER#6 in FGBOILERS was completed on March 7, 2024. Twenty-four months after the issuance of MI-ROP-B1493-2021 was November 4, 2023.

Testing to verify the Carbon Monoxide emission rate from EUBOILER#6 was originally scheduled to occur on October 31, 2023; however, the test was not completed on October 31, 2023. Subsequent testing to verify the Carbon Monoxide emission rate from EUBOILER#6 was scheduled to occur on November 30, 2023. Notification of the November 30, 2023 test date and time was provided to the AQD on November 29, 2023, less than the 30-day notice required. The testing scheduled for November 30, 2023 was not completed. Testing to verify the Carbon Monoxide emission rate from EUBOILER#6 was completed on March 7, 2024. Notification of the test date and time for the test completed on March 7, 2024 was provided to the AQD on March 5, 2024, less than the 30-day notice required.

An email request was sent by the AQD to facility personnel in the afternoon of March 7, 2024, as part of follow-up to the Carbon Monoxide emission rate testing of EUBOILER#6 completed on March 7, 2024. AQD staff requested the facility provide the following: information detailing the circumstances causing the original delay of testing of EUBOILER#6 on October 31, 2023, circumstances for the subsequent delay, and associated communication to EGLE regarding the delay in testing. AQD staff requested this information be provided by March 12, 2024. At the

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date of this letter, AQD staff have still not received the requested information. Please provide the previously requested information with the response to this letter.

Please initiate actions necessary to correct the cited violations and submit a written response to this Violation Notice by April 15, 2024 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violations occurred; an explanation of the causes and duration of the violations; whether the violations are ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the 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 Nathanael Gentle at 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.

If Michigan Sugar Company – Bay City Factory 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 violations cited above. If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact me at the number listed below or at [GentleN@Michigan.gov](mailto:GentleN@Michigan.gov).

Sincerely,



Nathanael Gentle  
Environmental Quality Analyst  
Air Quality Division  
989-778-0025

cc: Meaghan Martuch, MSC  
Eric Rupprecht, MSC  
Annette Switzer, EGLE  
Christopher Ethridge, EGLE  
Brad Myott, EGLE  
Jenine Camilleri, EGLE  
Chris Hare, EGLE