



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF
ENVIRONMENT, GREAT LAKES, AND ENERGY
LANSING



PHILLIP D. ROOS
DIRECTOR

October 12, 2023

VIA EMAIL

ENFORCEMENT NOTICE

In the matter of:

Michigan Sugar Company
Caro Factory
819 Peninsular Street
Caro, Michigan 48723

Michigan Sugar Company
Croswell Factory
159 South Howard Avenue
Croswell, Michigan 48422

Michigan Sugar Company
Sebewaing Factory
763 North Beck Street
Sebewaing, Michigan 48759

SRN: B2875; Tuscola County
B2876; Sanilac County
B2873; Huron County

ATTENTION: Joshua Taylor, Randy Lesniak, and Kevin Romzek

This letter is to advise you of the commencement of an escalated enforcement action against Michigan Sugary Company (Company), regarding state and federal air quality violations at the Company's Caro Factory, Croswell Factory, and Sebewaing Factory. This letter follows the September 7, 2022, September 19, 2022, November 16, 2022, December 22, 2022, January 25, 2023, February 28, 2023, March 7, 2023, March 8, 2023, March 14, 2023, March 20, 2023, and August 21, 2023, Violation Notices (VNs) issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD) to the various factories. The VNs detailed numerous violations of the following state and federal air quality rules and regulations:

- National Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, Title 40 of the Code of Federal Regulations (CFR), Part 60, Subpart Db;
- National Quality Assurance Procedures, 40 CFR, Part 60, Appendix F
- National Emission Standards for Hazardous Air Pollutants for Major Sources: Industrial, Commercial, and Institutional Boilers and Process Heaters, 40 CFR, Part 63, Subpart DDDDD;
- Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), MCL 324.5501 *et seq.*, Rule 201 and Rule 212(6) of the Michigan Air Pollution Control Rules, Mich Admin Code, R 336.1201 and R 336.1212(6);

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- Conditions of Renewable Operating Permit (ROP) Nos. MI-ROP-B2875-2019a, MI-ROP-B2876-2019a, and MI-ROP-B2873-2019; and
- Conditions of Administrative Consent Order No. 2019-11 (Crowell Factory).

Please note the alleged violations in the December 22, 2022, January 25, 2023, February 28, 2023, March 7, 2023, and March 8, 2023, VNs are federally enforceable and are considered High Priority Violations (HPVs) by the United States Environmental Protection Agency (EPA). The HPV designation means that the EPA places a priority on enforcing the regulations governing this violation and on formally resolving alleged violations of this type. The AQD is required to report all HPVs to the EPA, pursuant to the state's grant commitments with the EPA and the state's delegated enforcement authority of the federal Clean Air Act. This Enforcement Notice does not preclude or limit EGLE's ability to initiate any other enforcement action under federal or state law as appropriate.

In addition, on December 12, 2022, the AQD issued an Enforcement Notice to the Company's Bay City Factory for similar alleged violations of the Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units, 40 CFR, Part 60, Subparts A and Db; and the conditions of ROP No. MI-ROP-B1493-2021. With the issuance of this Enforcement Notice, the AQD is providing the Company with an opportunity to enter into one global settlement to resolve the alleged violations cited at all four factories that includes a compliance program and payment of an appropriate monetary penalty pursuant to Section 5528 of Part 55 or NREPA, MCL 324.5528.

Please be advised that the AQD has sought assistance from the Michigan Department of Attorney General (MDAG) to resolve these alleged violations. Please direct all future communications to Assistant Attorney General Nadia Hamade at HamadeN@Michigan.gov or 517-335-7664, and contact her no later than October 25, 2023, to schedule a meeting to discuss the resolution of this matter.

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENT, GREAT LAKES,
AND ENERGY

By: 

Erin Moran
Air Quality Division, Enforcement Unit

Date: 10/12/2023

cc: Sarah Marshall, U.S. EPA, Region 5
Margaret Bettenhausen, MDAG
Nadia Hamade, MDAG
Jenine Camilleri, EGLE
Chris Hare, EGLE
Jason Kain, MSC