



GRETCHEN WHITMER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
SAGINAW BAY DISTRICT OFFICE



LIESL EICHLER CLARK
DIRECTOR

March 19, 2019

Mr. Jay Roszatycki
Michigan Sugar Company - Caro Factory
819 Peninsular Street
Caro, Michigan 48723

SRN: B2875, Tuscola County

Dear Mr. Roszatycki:

VIOLATION NOTICE

On March 15, 2018, the Department of Environmental Quality (DEQ), Air Quality Division (AQD), received the renewal application for Renewable Operating Permit (ROP) No. MI-ROP-B2875-20XX for Michigan Sugar Company - Caro Factory located at 819 Peninsular Street in Caro, Michigan. On March 27, 2018, the AQD sent Mr. William Gough a letter indicating that the application was administratively complete; however, during further review of this application, staff determined certain additional information was required. On February 1, 2019, the DEQ, AQD, sent a letter stating that certain information was necessary for the completion of the permit application review. This letter also requested the company submit the additional information by March 4, 2019. To date, this additional information has not been received and the time period for submitting this requested information has expired.

Please be advised that the failure to submit a timely and complete response to a departmental request for additional information for review of a ROP application has resulted in the loss of the application shield pursuant to Rule 210(3) of the administrative rules promulgated under Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451). Operation of the process or process equipment without the benefit of the application shield constitutes a violation of Rule 210(1).

Furthermore, on October 15, 2018, Michigan Sugar Company - Caro Factory's ROP expired. In accordance with Rule 217(1)(c), the source has lost its "permit shield" because the ROP has expired. In addition, according to Section 5506(2) of Act 451, the expiration of an operating permit terminates the person's right to operate a source. Therefore, if this source continues to operate after the permit shield has been lost, Michigan Sugar Company - Caro Factory is in violation of Section 5506(2) of Act 451.

The information requested in the February 1, 2019 letter is still required for the review of the permit application. To facilitate this permit review, the AQD is hereby requesting the following information be submitted by April 9, 2019 (which coincides with 21 calendar days from the date of this letter):

Revised Compliance Assurance Monitoring (CAM) Plan:

Comments sent by the AQD on November 28, 2018 requested that language related to opacity monitoring be removed from the CAM plan based on previous discussions and agreements with the Company. The draft that was received on January 18, 2019 did not have the requested changes. If it is the company's intent to use opacity monitoring as a means of complying with 40 CFR Part 64 – Compliance Assurance Monitoring, certified daily Method 9 visible emissions surveys will be added as a Special Condition to MI-ROP-B2875-20XX. If it is not the source's intention to use opacity monitoring as a means of complying with Part 64, the language must be removed from the CAM Plan.

Revised Malfunction Abatement Plan (MAP):

Staff has determined the section for EUPULPDRYER does not meet the requirements of R 336.1911. Specific sections that need to be added include:

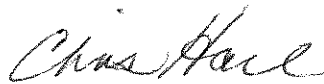
- R 336.1911(2)(a). A complete preventative maintenance program, including a description of the items or conditions that shall be inspected, and the frequency of the inspections or repairs.
- R 336.1911(2)(c). A description of the corrective procedures or operational changes that shall be taken in the event of a malfunction or failure to achieve compliance with the applicable emission limits.

Please submit the above information using copies of the appropriate Renewable Operating Permit Application forms. Certification by a Responsible Official using the Renewable Operating Permit Application C-001 (Certification) form must be included with all submittals.

If Michigan Sugar Company - Caro 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.

If you have any questions regarding the violations or the actions necessary to bring this facility into compliance, please contact Meg Sheehan at 989-439-5001, or you may contact me at the listed number below.

Sincerely,



Chris Hare
Saginaw Bay District Supervisor
Air Quality Division
989-894-6215

cc: Mr. Jeff Pfof, Environmental Partners, Inc.
Mr. Steven Smock, Michigan Sugar Company
Ms. Mary Ann Dolehanty, DEQ
Dr. Eduardo Olaguer, DEQ
Mr. Christopher Ethridge, DEQ
Ms. Jenine Camilleri, DEQ
Ms. Meg Sheehan, DEQ