

November 20, 2023

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Mr. Chris Hare
District Supervisor
EGLE-Air Quality Division
401 Ketchum St., Suite B
Bay City, MI 48708

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Ms. Jenine Camilleri
Enforcement Unit Supervisor
EGLE-AQD
P.O. Bo 30260
Lansing, MI 48909-7760

Subject: Response to B2876 VN Dated October 31, 2023 – Rule 212(6)
Failure to Report VOC and CO Emissions
Michigan Sugar Company – Croswell Factory, SRN B2876

Dear Mr. Hare and Ms. Camilleri,

I am writing on behalf of Michigan Sugar Company (MSC) in response to the October 31, 2023, Violation Notice (VN) issued by the Michigan Department of Environment, Great Lakes, and Energy (EGLE). In that VN, EGLE alleged a violation of R 336.1212(6) for failing to report emissions of Volatile Organic Compounds (VOCs) and Carbon Monoxide (CO) from the pulp dryer at that facility. MSC disputes that it has violated R 336.1212(6) which states:

(6) Beginning with the annual report of emissions required pursuant to R 336.202 and section 5503(k) of the act for the first calendar year after a stationary source becomes a major source as defined by R 336.1211(1)(a), each stationary source subject to the requirements of this rule shall report the emissions, or the information necessary to determine the emissions, of each regulated air pollutant. The information shall be submitted utilizing the emissions inventory forms provided by the department.

MSC disputes that it violated R 336.1212(6) because it was not required to report VOC or CO emissions. There are no emission limits or operating restrictions set forth in the renewable operating permit (ROP) for the subject facility and EGLE has previously acknowledged that MSC's pulp dryers predating applicable regulations are "grandfathered" sources. Thus, neither VOCs nor CO are regulated air pollutants with regard to the pulp dryer.

Furthermore, we don't understand why EGLE would assert an alleged violation of any such reporting requirement in light of past discussions relating to the pulp dryer. To my knowledge, EGLE has never suggested that reporting of VOC or CO emissions was required in previous communications regarding pulp dryers at this facility (or any other facilities operated by MSC). Moreover, MSC submitted annual report after annual report without any suggestion by EGLE that the Company was required to include VOC or CO data for the pulp dryer. Finally, we would note that the ROP for this facility has gone through several renewal cycles following the promulgation of R 336.1212(6) without the inclusion of a reporting requirement for VOCs or CO. It seems clear that EGLE did not believe that MSC was required to report VOC or CO emissions from the pulp dryer.

Even if MSC was required to report VOC and/or CO emissions from the pulp dryer pursuant to R 336.1212(6) (which MSC disputes), MSC believes it still provided "information necessary to determine the emissions" of VOCs and CO from the pulp dryer, which would also satisfy the requirements of R 336.1212(6). Every year MSC completes the annual emissions report and certifies and submits the information to EGLE-AQD using the MAERS reporting system. The submittal of Pulp Dryer MAERS report for each of the alleged violation years includes supplemental process and fuel

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information that can be utilized to calculate or determine the VOC and CO emissions utilizing emission factors set forth in the FIRE database (developed and maintained by the United Environmental Protection Agency).

If you have any questions or comments regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Meaghan Martuch".

Meaghan Martuch
Air Compliance Manager
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