



GRETCHEN WHITMER
GOVERNOR

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

LANSING

EGLE
LIESL EICHLER CLARK
DIRECTOR

May 10, 2021

VIA E-MAIL AND U. S. MAIL

Mr. Robert Powers
Michigan Sugar Company – Croswell Factory
159 South Howard Avenue
Croswell, Michigan 48422

SRN: B2876; Sanilac County

Dear Mr. Powers:

SUBJECT: Consent Order AOD No. 2019-11, Stipulated Fines

On May 30, 2019, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), and Michigan Sugar Company (Company) entered into a Stipulation for Entry of Final Order by Consent (Consent Order) AOD No. 2019-11 to resolve violations of Title 40 of the Code of Federal Regulations, Part 60, Appendix F and Subpart Db, Standards of Performance for Industrial-Commercial-Institutional Steam Generating Units; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended; MCL 324.5501 *et seq.*; and the conditions of Permit to Install (PTI) No. 21-15B. In a Violation Notice dated March 12, 2021, the AQD cited the Company for failing to continuously monitor NOx from the No. 4 Riley Boiler during the 4th quarter of 2020, which is a violation of the terms and conditions of the Consent Order.

Paragraph 9 of Consent Order AOD No. 2018-11 puts forth the following conditions:

“On and after the effective date of this Consent Order, the Company shall operate the continuous emission monitoring system (CEMS) of the No. 4 Riley Boiler in accordance with PTI No. 21-15B.”

Furthermore, Paragraph 14 of Consent Order AOD No. 2018-03 reads, in part:

“On and after the date of this Consent Order, if the Company fails to comply with paragraphs 9 or 10, the Company is subject to a stipulated fine of up to \$2,000.00 per violation per day.”

The AQD has determined the amount of stipulated fines to be \$24,000. After reviewing the Violation Notice and the Company’s response to the violations, the AQD has determined that the Company failed to operate the CEMS of the No. 4 Riley Boiler for approximately 494 hours, or 22.42 percent of the 4th quarter of 2020. Please be aware that the AQD is using discretion and that the maximum stipulated fine for the monitor downtime would be \$40,000.


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The Company is hereby requested to submit the stipulated fines of \$24,000 in accordance with the provisions of Paragraph 14 of Consent Order AQD No. 2019-11, by June 10, 2021. To ensure proper credit, all payments shall include the Agreement Identification No. AQD40216-S on the face of the check. Stipulated fines submitted under this Consent Order shall be made by check, payable to the "State of Michigan" and mailed to the Department of Environment, Great Lakes, and Energy, Accounting Services Division, Cashier's Office, P.O. Box 30657, Lansing, Michigan 48909-8157.

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

By: 
Erin Moran
Enforcement Unit, Air Quality Division

Date: May 10, 2020

cc: Mr. Jason Lowry, Michigan Sugar Company
Mr. Neil Gordon, Michigan Department of Attorney General
Mr. Chris Hare, EGLE
Ms. Karen Kajiya-Mills, EGLE
Ms. Jenine Camilleri, EGLE