



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

August 21, 2023

VIA EMAIL ONLY

Joshua Taylor, Factory Manager
Michigan Sugar Company - Caro Factory
819 Peninsular Street
Caro, Michigan 48723

SRN: B2875, Tuscola County

Dear Joshua Taylor:

On March 16, 2023, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), issued a Violation Notice to Michigan Sugar Company – Caro Factory (MSC – Caro) for EUPULPDRYER. The AQD alleged that EUPULPDRYER was in violation of Michigan Air Pollution Control Rule R336.1201(1). The violation detailed that Volatile Organic Compound (VOC) and Carbon Monoxide (CO) emissions were not evaluated / permitted for Caro's pulp dryer.

A response to the Violation Notice was received from MSC – Caro on April 11, 2023. In the response, MSC – Caro disputed the violation stating, "The pulp dryer at issue in the VN was not installed, constructed, reconstructed, relocated, or modified at any point in time after the promulgation of R 336.1201(1)."

Please note, the pulp dryer was issued air use Permit to Install (PTI) number 620-76 as it was subject to R 336.1201 (1). Additional PTIs have been issued for the pulp dryer including PTI Nos. 566-89, 566-89A, 566-89B, and 56-22. The conditions of PTI No. 56-22 have since been rolled into MSC – Caro's Renewable Operating Permit (ROP) number MI-ROP-B2875-2019a. The conditions are listed under EU-PULPDRYER which begins on page 20 of the ROP. This information runs counter to MSC's response that the pulp dryer is not subject to R 336.1201(1).

The AQD disputes that EUPULPDRYER has not been modified since the promulgation of R 336.1201(1). The AQD definition of modify is found in R 336.1113(e). Modify is defined as follows: "Modify" means making a physical change in, or change in the method of operation of, existing process or process equipment which increases the amount of any air contaminant emitted into the outer air which is not already allowed to be emitted under the conditions of a permit or order or which results in the emission of any toxic air contaminant into the outer air not previously emitted. An increase in the hours of operation or an increase in the production rate up to the maximum capacity of the process or process equipment shall not be considered to be a change in the method of operation unless the process or process equipment is subject to enforceable permit conditions or enforceable orders which limit the production rate or the hours of operation, or both, to a level below the proposed increase".

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Modification of the pulp dryer occurred with the issuance of PTI No. 56-22 on May 4, 2022. PTI No. 56-22 permitted a change in the hours of operation limit from the previously permitted limit of 4,000 hours per year (hrs/yr) to 4,715 hr/yr. According to the definition of “modify”, this increase in permitted hours of operation is a modification. MSC – Caro did not include information regarding the VOC and CO emissions from EUPULDRYER in the permit application for PTI No. 56-22.

EGLE AQD maintains that EUPULDRYER is in violation of R 336.1201(1) on the basis that VOC and CO emissions were not evaluated / permitted for MSC – Caro’s pulp dryer.”

A copy of the PTI application form is available by request, or at the following website: www.michigan.gov/air. For questions about obtaining a PTI, or to schedule a pre-application meeting, please contact Mark Mitchell at MitchellM7@Michigan.gov or at 517-582-5293.

In light of this information, please initiate actions necessary to correct the cited violations and submit a written response by September 4, 2023 (which coincides with 14 calendar days from the date of this letter).

Please submit the written response to 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.

Thank you for your attention to resolving the violations. 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.

Sincerely,



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

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