



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

Aug 21, 09  
Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Putnam County  
POET Biorefining - Leipsic  
Premise # 03 69 00 0051  
**Notice of Violation**

July 29, 2009

Steve Webb, EH & S Specialist  
POET Biorefining - Leipsic  
3875 State Route 65  
Leipsic, Ohio 45856

Dear Mr. Webb:

This letter shall serve as a follow-up to the inspection that was conducted at the above facility on July 8, 2009 by this writer from the Division of Air Pollution Control (DAPC) at the Northwest District Office (NWDO). Based on discussions and observations during the inspection, along with a review of the company's files and letter received by our office on July 22, 2009, my findings are as follows:

1. PTI 03-17416 issued on May 29, 2008 for emissions unit J001 (Ethanol and E85 Loading Operations), requires in section C(1) the collection of monitoring and recording keeping records for the flare control device. To date, the company has failed to collect this monitoring data, which is a violation of PTI 03-17416 and Ohio Revised Code 3704.05.
2. PTI 0104429 issued on June 22, 2009 for emission units B001 and B002 (143 mmBTU/hr Boilers), requires in section d)(1) NOx pound per day records and a rolling, 365-day summation of the NOx emissions. To date, POET has failed to keep these records, which is a violation of PTI P0104429 and Ohio Revised Code 3704.05.
3. According to the General Terms and Conditions of PTI 03-17416, the company was required to submit the first quarter deviation report by April 30, 2009. POET submitted the report on July 8, which is a violation of the permit and Ohio Revised Code 3704.05. Our office has reviewed the submittal, therefore, no further action is necessary.
4. The Terms and Conditions of PTI 03-17416 for emission units P901 and P902 (Grain Receiving, and DDGS Loadout) states that the permittee shall perform daily checks for any visible fugitive particulate emissions from the egress points serving these emission units. To date, the company has failed to perform these checks, which are violations of PTI 03-17416 and Ohio Revised Code 3704.05.

Mr. Steve Webb  
July 29, 2009  
Page Two

In the company's July 22 letter, it has updated the excel inspections spread sheet to include these daily checks. In the response letter to this NOV, please include a copy of the inspection sheet for the first day these visible emissions were performed.

This office is requesting the facility submit a written response to this letter by ~~August 21, 2009~~ which includes, at a minimum, action plans to correct issues 1, 2, and 4 noted above and the dates they were corrected. Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Thank you for the courtesy extended during my visit. Should you have any questions regarding this letter, please feel free to directly contact me at 419-373-3136.

Sincerely,



Jay P. Liebrecht  
Environmental Specialist

/lb

cc: Don Waltermeyer, DAPC-NWDO  
Sam Araj, DAPC-NWDO  
Tom Kalman, DAPC, CO  
Lisa Holscher, US EPA-Region V  
~~NWDO Follow-up Files~~  
DAPC NWDO File