



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

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Putnam County
0369000051
POET Biorefining - Leipsic
Notice of Violation

August 8, 2008

CERTIFIED MAIL

Mr. Corey Bishop, Technical Manager
POET Biorefining - Leipsic
3875 State Route 65
Leipsic, Ohio 45856

Dear Mr. Bishop:

On December 5, 2006, POET Biorefining - Leipsic (POET) was issued a permit for the construction of an ethanol plant. The permit was modified on May 29, 2008, and was reissued under Permit to Install (PTI) # 03-17416. The PTI contained two 143 mmBTU/hr natural gas fired boilers, which required certification tests of the continuous NOx monitoring systems, no later than 180 days after start up.

According to the first quarter deviation report submitted by the company, the new plant was started up in late January of this year. POET failed to conduct the certification tests on the monitoring systems as required for each boiler. These are violations of the terms and conditions of PTI 03-17416, 40 CFR Part 60.8 and Ohio Revised Code 3704.05.

The monitoring section of the boiler PTI states the following, "Prior to the installation of the continuous NOx monitoring system, the permittee shall submit information detailing the proposed location of the sampling site in accordance with the siting requirements in 40 CFR Part 60, Appendix B, Performance Specifications 2 for approval by the Ohio EPA, Central Office." The Ohio EPA has not received this information, which is a violation of the terms and conditions of PTI # 03-17416 and Ohio Revised Code 3704.05.

According to your email to Elissa Hartfield of our office, on August 4, 2008, POET is planning to install a Predictive Emission Monitoring (PEM) system. However, the terms and conditions of the PTI refer to a continuous emission monitoring (CEM) system, and not a PEM. The Ohio EPA has specific terms and conditions for the installation of a PEM system. Should the company wish to pursue the installation of a PEM system, the company must submit their PEM plan to the USEPA for approval, per 40 CFR Part 60.49b(c). If the plan is approved, the permit will need to be reopened and the permit language modified.

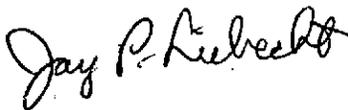
Mr. Corey Bishop, Technical Manager
August 8, 2008
Page 2

The reporting section of the boiler PTI states the following, "Pursuant to the NSPS, the source owner/operator is hereby advised of the requirements to report the following at the appropriate times: construction date, actual start-up date, and date of performance testing." POET failed to submit this information, which is a violation of the terms and conditions of PTI # 03-17416, 40 CFR Part 60.7 and Ohio Revised Code 3704.05.

This office is requesting the facility submit a written response to this letter by September 10, 2008, which includes, at a minimum, action plans to correct the violations noted above. 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.

Should the company have any questions regarding this letter, please feel free to contact me directly at (419) 373-3136.

Sincerely,



Jay P. Liebrecht
Division of Air Pollution Control

//lr

pc: Don Waltermeyer, DAPC-NWDO
Todd Brown, DAPC, CO
Tom Kalman, DAPC, CO
Lisa Holscher, US EPA-Region V
NWDO Follow-up File
~~DAPC-NWDO File~~ →

7006 0100 0003 7706 7088

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$
Certified Fee	2.70
Return Receipt Fee (Endorsement Required)	2.20
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	\$

Postmark
Here

Shipping
 Description: POST-BINDING - 1000
 ZIP Code: 3875 STATE ROUTE 65
 City: LEIPSIC State: GA ZIP+4: 30556

PS Form 3800, June 2002 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
 MR. ROBERT BESNER, Technical
 Fleet Administration - Corporate
 3875 STATE ROUTE 65
 LEIPSIC, GA 30556

COMPLETE THIS SECTION ON DELIVERY

A. Signature Agent Addressee
 X Deb Reynolds

B. Received by (Printed Name) C. Date of Delivery
Deb Reynolds 8/12/08

D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: NO

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

7006 0100 0003 7706 7088