



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

MAR 09 2016

REPLY TO THE ATTENTION OF:

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Steven R. McNinch
General Manager
Agra Resources, LLC d/b/a
POET Biorefining - Glenville
15300 780th Avenue
Albert Lea, Minnesota 56007

Re: Notice of Violation
POET Biorefining – Glenville
Albert Lea, Minnesota

Dear Mr. McNinch:

The U.S. Environmental Protection Agency (EPA) is issuing the enclosed Notice of Violation (NOV) to Agra Resources, LLC d/b/a POET Biorefining – Glenville (POET or you) under Section 113(a)(1) of the Clean Air Act, 42 U.S.C. §§ 7413(a)(1). We find that you have violated and are violating conditions of your federally enforceable state operating permit at your Albert Lea, Minnesota, facility.

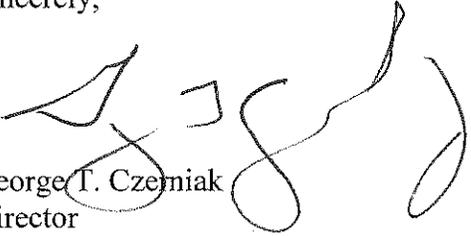
Section 113 of the Clean Air Act gives us several enforcement options. These options include issuing an administrative compliance order, issuing an administrative penalty order, and bringing a judicial civil or criminal action.

We are offering you an opportunity to confer with us about the violations alleged in the NOV. The conference will give you an opportunity to present information on the specific findings of violation, any efforts you have taken to comply and the steps you will take to prevent future violations. In addition, in order to make the conference more productive, we encourage you to submit to us information responsive to the NOV prior to the conference date.

Please plan for your facility's technical and management personnel to attend the conference to discuss compliance measures and commitments. You may have an attorney represent you at this conference.

The EPA contact in this matter is Eleanor Kane. You may call her at (312) 353-4840 or email her at kane.eleanor@epa.gov to request a conference. You should make the request within 10 calendar days following receipt of this letter. We should hold any conference within 30 calendar days following receipt of this letter.

Sincerely,



George T. Czerniak
Director
Air and Radiation Division

Enclosure

cc: Katie Koelfgen, Minnesota Pollution Control Agency

4. Section 113(a)(1) of the Act, 42 U.S.C. § 7413(a)(1), authorizes the Administrator to initiate an enforcement action whenever, among other things, the Administrator finds that any person has violated or is in violation of a requirement or prohibition of an applicable implementation plan or permit.

POET FESOP Requirements

5. The MPCA issued Air Emission Permit No. 04700055-001 to the Facility with an effective date of July 31, 1996. MPCA issued modifications to the permit on March 16, 1999; December 23, 1999; November 9, 2000; May 11, 2005 (2005 Permit); and May 4, 2012 (Current Permit).
6. For the emission control unit classified as CE 006 – Packed Gas Adsorption Column (Distillation Scrubber), which controls emissions from a number of process units associated with distillation, the 2005 Permit required that the pressure drop be maintained between 2.0 and 10.0 inches of water column, and that the pressure drop be recorded once each day of operation.
7. For the Distillation Scrubber, the 2005 Permit required the water flow rate be maintained above 2 gallons per minute, unless a new range was set based on the most recent performance test where compliance was demonstrated, and that the water flow rate be recorded once each day of operation.
8. For the emission control unit classified as CE 019 – Packed Gas Adsorption Column (Fermentation Scrubber), which controls emissions from fermentation tanks and the beer well, the 2005 Permit required that the pressure drop be maintained between 0.5 and 10.0 inches of water column, and that the pressure drop be recorded once each day of operation.
9. For the Fermentation Scrubber, the 2005 Permit required the water flow rate be maintained above 30.0 gallons per minute when emissions were vented through SV005 (when the Facility's carbon dioxide plant is not operating), unless a new range was set based on the most recent performance test where compliance was demonstrated, and that the water flow rate be recorded once each day of operation.
10. For the Fermentation Scrubber, the 2005 Permit required that POET operate the pollution control equipment whenever the corresponding process units were operated.
11. For the Distillation Scrubber, the Current Permit requires that the pressure drop be maintained between 2.0 and 12.0 inches of water column, and that the pressure drop be recorded once each day of operation.
12. For the Distillation Scrubber, the Current Permit requires the water flow rate be maintained above 2.0 gallons per minute, unless a new range in set based on the most recent performance test where compliance was demonstrated, and that the water flow rate be recorded once each day of operation.

13. For Fermentation Scrubber, the Current Permit requires that the pressure drop be maintained between 0.5 and 10.0 inches of water column, and that the pressure drop be recorded once each day of operation.
14. For the Fermentation Scrubber, the Current Permit requires the water flow rate be maintained above 30.0 gallons per minute when emissions are vented through SV005 (when the carbon dioxide plant is not operating), unless a new range is set based on the most recent performance test where compliance was demonstrated, and that the water flow rate be recorded once each day of operation.
15. For the Fermentation Scrubber, the Current Permit requires that POET operate the pollution control equipment whenever the corresponding process units are operated.

Relevant Factual Background

16. POET owns and operates an ethanol production plant located at 15300 780th Avenue, Albert Lea, Minnesota (the Facility).
17. EPA issued an information request to the Facility under Section 114 of the Act, dated May 4, 2015 (2015 Information Request).
18. POET provided responses to the 2015 Information Request received on June 11, 2015, and July 10, 2015.
19. Emissions from the distillation operations at the Facility are controlled by a packed gas adsorption column (Distillation Scrubber).
20. Based on a compliance test performed on September 19-22, 2006, a minimum water flow rate of 10.0 gallons per minute was established at the Distillation Scrubber. During the subsequent compliance test performed on September 13-14, 2011, the minimum water flow rate at the Distillation Scrubber remained at 10.0 gallons per minute.

21. POET reported the following information regarding the operation of the Distillation Scrubber, from January 1, 2011, through June 16, 2015:

	Operating Days	Differential Pressure Deviation	Differential Pressure No Reading	Water Flow Deviation	Water Flow No Reading
2015	163	16	20	35	15
		<i>10%</i>	<i>12%</i>	<i>21%</i>	<i>9%</i>
2014	346	221	37	60	30
		<i>64%</i>	<i>11%</i>	<i>17%</i>	<i>9%</i>
2013	348	158	9	0	4
		<i>45%</i>	<i>3%</i>	<i>0%</i>	<i>1%</i>
2012	342	32	8	1	10
		<i>9%</i>	<i>2%</i>	<i>0%</i>	<i>3%</i>
2011	352	1	3	47	1
		<i>0%</i>	<i>1%</i>	<i>13%</i>	<i>0%</i>

22. Emissions from the fermentation operations at the Facility are controlled by a packed gas adsorption column (Fermentation Scrubber). When the carbon dioxide plant is operating and receiving emissions from the fermentation operations, the Facility must maintain and record a pressure differential at the Fermentation Scrubber, and record the water flow rate. When the carbon dioxide plant is not operating, the Facility must maintain and record both a pressure drop and a minimum water flow rate at the Fermentation Scrubber.
23. Based on a 2009 Notice of Compliance, the minimum water flow rate at the Fermentation Scrubber was set to 25.0 gallons per minute. A compliance stack test performed on September 14, 2011, established a minimum flow rate of 22.5 gallons per minute, effective May 11, 2012. A subsequent compliance stack test performed on February 7, 2014, established a new minimum flow rate of 32.0 gallons per minute, effective on August 12, 2014.

24. POET reported the following information regarding the operation of the Fermentation Scrubber, from January 1, 2012, through June 16, 2015:

	Operating Days	Differential Pressure Deviation	Differential Pressure No Reading	No. of Days CO₂ Plant is Off	Water Flow Deviation	Water Flow No Reading
2015	163	1	16	41	1	15
		1%	10%		2%	9%
2014	346	1	33	112	7	30
		0%	10%		6.3%	9%
2013	348	0	8	77	5	5
		0%	2%		6.5%	1%
2012	344	0	12	100	15	8
		0%	4%		15%	2%

25. POET's fermentation tank generates volatile organic compound (VOC) and hazardous air pollutant (HAP) emissions unless that tank is empty.
26. POET did not provide documentation confirming that during plant shutdowns or "down days" that the fermentation tanks were empty.
27. During down days occurring from January 1, 2012, through June 16, 2015, POET did not operate the Fermentation Scrubber, as follows:

	Down Days During Fermentation Scrubber Was Not Operating
2015	4
2014	18
2013	16
2012	22

Notice of Violation

28. At specific times during the period from January 1, 2011, through May 3, 2012, POET did not maintain the pressure differential at the Distillation Scrubber in the required range, in violation of the 2005 Permit.
29. At specific times during the period from January 1, 2011, through May 3, 2012, POET did not record on a daily basis the pressure differential at the Distillation Scrubber, in violation of the 2005 Permit.
30. At specific times during the period from January 1, 2011, through May 3, 2012, POET did not maintain the water flow rate at the Distillation Scrubber above the minimum required flow rate, in violation of the 2005 Permit.
31. At specific times during the period from January 1, 2011, through May 3, 2012, POET did not record on a daily basis the water flow rate at the Distillation Scrubber, in violation of the 2005 Permit.
32. At specific times during the period from January 1, 2012, through May 3, 2012, POET did not maintain the pressure differential at the Fermentation Scrubber in the required range, in violation of the 2005 Permit.
33. At specific times during the period from January 1, 2012, through May 3, 2012, POET did not record on a daily basis the pressure differential at the Fermentation Scrubber, in violation of the 2005 Permit.
34. At specific times during the period from January 1, 2012, through May 3, 2012, POET did not maintain the water flow rate at the Fermentation Scrubber above the minimum required flow rate when the carbon dioxide plant was not operating, in violation of the 2005 Permit.
35. At specific times during the period from January 1, 2012, through May 3, 2012, POET did not record on a daily basis the water flow rate at the Fermentation Scrubber, in violation of the 2005 Permit.
36. At specific times during the period from January 1, 2012, through May 3, 2012, POET did not operate the Fermentation Scrubber during plant down time, when fermentation units still operated, in violation of the 2005 Permit.
37. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not maintain the pressure differential at the Distillation Scrubber in the required range, in violation of the Current Permit.
38. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not record on a daily basis the pressure differential at the Distillation Scrubber, in violation of the Current Permit.

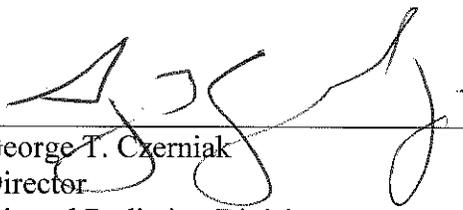
39. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not maintain the water flow rate at the Distillation Scrubber above the minimum required flow rate, in violation of the Current Permit.
40. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not record on a daily basis the water flow rate at the Distillation Scrubber, in violation of the Current Permit.
41. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not maintain the pressure differential at the Fermentation Scrubber in the required range, in violation of the Current Permit.
42. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not record on a daily basis the pressure differential at the Fermentation Scrubber, in violation of the Current Permit.
43. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not maintain the water flow rate at the Fermentation Scrubber above the minimum required flow rate when the carbon dioxide plant was not operating, in violation of the Current Permit.
44. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not record on a daily basis the water flow rate at the Fermentation Scrubber, in violation of the Current Permit.
45. At specific times during the period from May 4, 2012, through June 16, 2015, POET did not operate the Fermentation Scrubber during plant down time, when fermentation units still operated, in violation of the Current Permit.

Environmental and Health Impacts of Violations

46. The violations cited above may have resulted in increased emissions of VOCs. VOCs are photochemical oxidants associated with a number of detrimental health, environmental, and ecological effects. In the presence of sunlight, and influenced by a variety of meteorological conditions, VOCs react with oxygen in the air to produce ground-level ozone.

Date

3/9/16



 George T. Czerniak
 Director
 Air and Radiation Division

CERTIFICATE OF MAILING

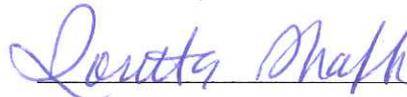
I, Loretta Shaffer, certify that I sent a Notice of Violation, No. EPA-5-16-MN-04 by Certified Mail, Return Receipt Requested, to:

Steven R. McNinch
General Manager
POET Biorefining - Glenville
15300 780th Avenue
Albert Lea, Minnesota 56007

I also certify that I sent copies of the Notice of Violation by first-class mail to:

Katie Koelfgen
Manager, Land and Air Compliance
Minnesota Pollution Control Agency
520 Lafayette Road North
St. Paul, Minnesota 55155-4194

On the 11 day of March 2016.



Loretta Shaffer, Program Technician
AECAB, PAS

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