



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

We Protect Hoosiers and Our Environment.

100 N. Senate Avenue • Indianapolis, IN 46204
(800) 451-6027 • (317) 232-8603 • www.idem.IN.gov

Eric J. Holcomb
Governor

Bruno L. Pigott
Commissioner

VIA ELECTRONIC MAIL :
David.Westland@poet.com

October 8, 2020

Mr. David Westlund, General Manager
POET Biorefining, Inc.
4615 N. Lewis Ave.
Sioux Falls, SD 57104

Dear Mr. Westlund:

Re: IDEM Approval of Request to Terminate
NPDES General Permit Coverage
ING670108
POET Biorefining, Inc. – Shelbyville Plant
2373 W CR 300 N
Fairland, IN
Shelby County

We have received and reviewed your letter of May 28, 2020 requesting termination of coverage under NPDES general permit ING670000 for the above-mentioned project. The request states that all necessary hydrostatic tests have been completed, and that discharge ceased December 11, 2019.

There has been some confusion about this project regarding Monthly Monitoring Reports and Discharge Monitoring Reports that has resulted in the delay in terminating this permit coverage. We regret any inconvenience that this may have caused. Our office now concurs that it is acceptable to terminate this NPDES general permit coverage; therefore, National Pollutant Discharge Elimination System Permit coverage # ING670108, is hereby terminated deemed effective June 30, 2020.

Please note that IDEM shall serve notice of its decision to terminate your facility's coverage under the general permit in accordance with the requirements of 327 IAC 5-3-14. It should also be noted that any appeal must be filed under procedures outlined in IC 13-15-6, IC 4-21.5, and the enclosed Public Notice. The appeal must be initiated by filing a petition for administrative review with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the emailing of an electronic copy of this letter or within eighteen (18) days of the mailing of this letter. A copy must also be served upon IDEM. Addresses are as follows:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room 103
100 N. Senate Ave.
Indianapolis, IN 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 N. Senate Ave.
Indianapolis, IN 46204

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You are reminded that submission of monitoring data via NetDMR is required for all months up to the termination date of this general permit coverage. Also future discharge to waters of the state must be preceded by the submission of an NPDES application at least 180 days prior to the commencement of such discharge, unless a later date is allowed by rule or by an applicable NPDES general permit.

If you have any questions regarding this matter, please feel free to contact Ms. C. Anne Burget of our staff at (317) 234-8745 or at cburget@idem.IN.gov.

Sincerely,

Catherine Hess

Catherine Hess, Chief
Permits Administration Section
Office of Water Quality

cc: Shelby County Health Dept.
Mr. Dan McMahan, POET (Dan.McMahan@poet.com)

STATE OF INDIANA
DEPARTMENT OF ENVIRONMENTAL MANAGEMENT
PUBLIC NOTICE NO. 20201008 –ING670108 –GP

DATE OF NOTICE: October 8, 2020

The Office of Water Quality approves the following NPDES GENERAL PERMIT action:

TERMINATION

POET Biorefining, Inc, Shelbyville Facility, NPDES General Permit No. ING670108, 2373 W CR 300 N, Shelbyville, IN (SHELBY COUNTY). Representatives for this facility requested termination of NPDES general permit coverage under ING670000, which regulates discharges from hydrostatic testing of commercial pipelines to surface waters of the state. All hydrostatic testing activities at this site have been completed. Therefore, this termination of coverage is deemed effective on June 30, 2020. For more information regarding this termination of NPDES General Permit coverage, please contact Ms. C. Anne Burget at (317) 234-8745 or via e-mail at cburget@idem.IN.gov.

Notice of Right to Administrative Review

If you wish to challenge this permit, you must file a Petition for Administrative Review with the Office of Environmental Adjudication (OEA), and serve a copy of the petition upon IDEM. The requirements for filing a Petition for Administrative Review are found in IC 4-21.5-3-7, IC 13-15-6-1 and 315 IAC 1-3-2. A summary of the requirements of these laws is provided below.

A Petition for Administrative Review must be filed with the Office of Environmental Adjudication (OEA) within fifteen (15) days of the issuance of this notice (eighteen (18) days if you received this notice by U.S. Mail), and a copy must be served upon IDEM. Addresses are:

Director
Office of Environmental Adjudication
Indiana Government Center North
Room N103
100 North Senate Avenue
Indianapolis, Indiana 46204

Commissioner
Indiana Department of Environmental Management
Indiana Government Center North
Room 1301
100 North Senate Avenue
Indianapolis, Indiana 46204

The petition must contain the following information:

1. The name, address and telephone number of each petitioner.
2. A description of each petitioner's interest in the permit.
3. A statement of facts demonstrating that each petitioner is:
 - a. a person to whom the order is directed;
 - b. aggrieved or adversely affected by the permit; or
 - c. entitled to administrative review under any law.
4. The reasons for the request for administrative review.
5. The particular legal issues proposed for review.
6. The alleged environmental concerns or technical deficiencies of the permit.
7. The permit terms and conditions that the petitioner believes would be appropriate and would comply with the law.
8. The identity of any persons represented by the petitioner.
9. The identity of the person against whom administrative review is sought.
10. A copy of the permit that is the basis of the petition.
11. A statement identifying petitioner's attorney or other representative, if any.

Failure to meet the requirements of the law with respect to a Petition for Administrative Review may result in a waiver of your right to seek administrative review of the permit. Examples are:

1. Failure to file a Petition by the applicable deadline;
2. Failure to serve a copy of the Petition upon IDEM when it is filed; or
3. Failure to include the information required by law.

If you seek to have a permit stayed during the administrative review, you may need to file a Petition for a Stay of Effectiveness. The specific requirements for such a Petition can be found in 315 IAC 1-3-2 and 315 IAC 1-3-2.1.

Pursuant to IC 4-21.5-3-17, OEA will provide all parties with notice of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action. If you are entitled to notice under IC 4-21.5-3-5(b) and would like to obtain notices of any pre-hearing conferences, preliminary hearings, hearings, stays, or orders disposing of the review of this action without intervening in the proceeding you must submit a written request to OEA at the address above.

If you have procedural or scheduling questions regarding your Petition for Administrative Review please refer to OEA's website at <http://www.in.gov/oea>.

