



GRETCHEN WHITMER
GOVERNOR

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



PHILLIP D. ROOS
DIRECTOR

May 24, 2024

VIA EMAIL ONLY (REVISED)

Doug DeLand
Poet Biorefining - Caro, LLC
1551 Empire Drive
Caro, Michigan 48723

SRN: N6996, Tuscola County

Dear Doug DeLand:

VIOLATION NOTICE

On April 15, 2024, the Department of Environment, Great Lakes, and Energy (EGLE), Air Quality Division (AQD), received notification from Poet Biorefining - Caro, LLC located at 1551 Empire Drive, Caro, Michigan regarding discovery of sulfur dioxide (SO₂) emissions in the process vent stream from FGDDGSDRYERS. In follow-up conversations on May 15, 2024, it became apparent the modification exceeded significance levels as defined in R 336.1119(e) of the federal Clean Air Act; Part 55, Air Pollution Control, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (Act 451); and thereby excluded the change from permit exemption. Therefore, the change requires a permit pursuant to R 336.1201 (Rule 201).

During conversations, staff concluded the following:

| Process Description | Rule/Permit Condition Violated | Comments |
|---------------------|--|---|
| FGDDGSDRYERS | General Condition 43 of MI-ROP-N6996-2018a R 336.1201 | Modification of the process producing SO ₂ emissions in the process stream |

During our call on May 15, 2024, it was noted Poet Biorefining-Caro, LLC modified FGDDGSDRYERS at this facility. The AQD staff advised Poet Biorefining - Caro, LLC, this is a violation of Rule 201 of the administrative rules promulgated under Act 451.

In January 2024, the facility began introducing sodium bisulfate (SBS) into the FGDDGSDRYERS process stream to reduce mycotoxin in the corn. The dried distiller's grain produced from FGDDGSDRYERS is used for animal feed and the mycotoxin is harmful to animals. Mixing SBS in the corn reduces the mycotoxin, which is produced in corn because of wet weather. The modification to the process requires that a permit be obtained.

Doug DeLand
Poet Biorefining – Caro, LLC
Page 2
May 24, 2024

A program for compliance includes a completed PTI application for the FGDDGSDRYERS process equipment. An application form is available by request, or at the following website: www.michigan.gov/air.

Be advised that Rule 201 requires that a permit be obtained prior to installation, construction, operation, reconstruction, relocation, or alteration of any process or process equipment which may be a source of an air contaminant.

Please initiate actions necessary to correct the cited violation and submit a written response to this Violation Notice by June 14, 2024 (which coincides with 21 calendar days from the date of this letter). The written response should include: the dates the violation occurred; an explanation of the causes and duration of the violation; whether the violation is ongoing; a summary of the actions that have been taken and are proposed to be taken to correct the violation and the dates by which these actions will take place; and what steps are being taken to prevent a reoccurrence.

Please submit the written response to Dillon King at EGLE, AQD, Bay City District, at 401 Ketchum Street, Bay City, Michigan 48708 or KingD36@Michigan.gov and submit a copy to Jenine Camilleri, Enforcement Unit Supervisor at EGLE, AQD, P.O. Box 30260, Lansing, Michigan 48909-7760.

If Poet Biorefining - Caro, LLC believes the above observations or statements are inaccurate or do not constitute violations of the applicable legal requirements cited, please provide appropriate factual information to explain your position.

Thank you for your attention to resolving the violation cited above. If you have any questions regarding the violation or the actions necessary to bring this facility into compliance, please contact me at the number listed below.

Sincerely,

A handwritten signature in black ink, appearing to read "Gina L. McCann", written in a cursive style.

Gina L. McCann
Bay City District Supervisor
Air Quality Division
989-439-2282

cc: Annette Switzer, EGLE
Christopher Ethridge, EGLE
Brad Myott, EGLE
Jenine Camilleri, EGLE
Dillon King, EGLE