



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

Brian C. Rockensuess
Commissioner

July 25, 2024

VIA ELECTRONIC MAIL

Todd Becker, CEO and President
Green Plains Mount Vernon LLC
1811 Aksarben Drive
Omaha, NE 68106
todd.becker@gpreinc.com

VIA CERTIFIED MAIL#7002 0510 0002 7926 8957

CT Corporation System,
Registered Agent
334 North Senate Avenue
Indianapolis, IN 46204

Re: Notice of Violation and Proposed Agreed Order
Green Plains Mount Vernon LLC
Plant ID No. 129-00050
Mount Vernon, Posey County
Case Nos. 2022-28842-A & 2022-28992-A

Qualified offer of settlement: inadmissible pursuant to Rule 408 of the Ind. Rules of Evidence. IDEM asserts that any offer to compromise a claim or any acceptance of such offer does not bind or obligate the parties of this enforcement action in the absence of a final order of the agency.

Dear Mr. Becker:

This is to advise that the Indiana Department of Environmental Management ("IDEM") has conducted an investigation of Green Plains Mount Vernon LLC located at 8999 West Franklin Road, Mount Vernon, Indiana. As a result of information obtained during that investigation, IDEM has made a preliminary determination that violations of environmental permit conditions exist. Pursuant to IC 13-30-3-3, enclosed please find a Notice of Violation that sets forth the alleged violations, and a proposed Agreed Order which constitutes a qualified offer of settlement.

You may request a settlement conference to discuss the allegations and the actions necessary to correct and resolve the violations, which may include injunctive relief and the establishment of a compliance schedule. Payment of a civil penalty will also be discussed. The civil penalty amount noted in the proposed Agreed Order contains a preliminary penalty figure for settlement discussion purposes only and is based on penalty calculations associated with the alleged violations set forth in the Notice of Violation. A portion of the civil penalty may be offset by performing an approved Supplemental Environmental Project (SEP). Typical SEPs have included pollution prevention, pollution control, and environmental restoration projects. A copy of IDEM's SEP policy may be obtained from this office or at IDEM's website at www.IN.gov/idem.

The individual signing the enclosed Agreed Order should be the President of the company or other authorized signatory. The timely entry into an Agreed Order, which saves you and IDEM time and resources, may lead to a reduction in the civil penalty.

IDEM is not required to extend the offer of entry into an Agreed Order for more than sixty days. You may enter into an Agreed Order without admitting that the violations occurred. If an Agreed Order is not entered into, IDEM may proceed to issue a unilateral notice and order requiring compliance with the environmental permit conditions, including payment of a civil penalty. Please contact me at 317-232-8408 or mchaifet@idem.IN.gov if you have any questions or if you wish to request a settlement conference.

Sincerely,



Matthew Chaifetz
Senior Case Manager
Enforcement Section
Office of Air Quality

Enclosures:

cc: Chris Osowski, EVP, Operations & Technology, Chris.Osowski@gpreinc.com
Jeremy DuMond, VP, EHSS, Jeremy.DuMond@gpreinc.com
Chris Albers, Director of Operations, Chris.Albers@gpreinc.com
Michelle Mapes, Chief Legal & Administration Officer, Michelle.Mapes@gpreinc.com
Ryan Rezac, Corporate Environmental Manager, Ryan.Rezac@gpreinc.com
Nathan Frank, US EPA Region 5
Matthew Chaifetz, Compliance and Enforcement Branch, Office of Air Quality
Tammy Haug, Compliance and Enforcement Branch, Office of Air Quality
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality
Mark Finley, Office of Legal Counsel, IDEM
<http://www.IN.gov/idem>



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July 25, 2024

NOTICE OF VIOLATION

Via Electronic Mail

Via Certified Mail#7002 0510 0002 7926 8957

To: Todd Becker, CEO and President
Green Plains Mount Vernon LLC
1811 Aksarben Drive
Omaha, NE 68106
todd.becker@gpreinc.com

To: CT Corporation System, Registered Agent
334 North Senate Avenue
Indianapolis, IN 46204

Case Nos. 2022-28842-A & 2022-28992-A

Pursuant to Indiana Code ("IC") 13-30-3-3, the Indiana Department of Environmental Management ("IDEM") issues this Notice of Violation. Based on an investigation by IDEM representatives, IDEM has reason to believe Green Plains Mount Vernon LLC ("Respondent") violated environmental permit conditions. The violations are based on the following:

1. Respondent is Green Plains Mount Vernon LLC ("Respondent"), which owns and operates the stationary ethanol production plant with Plant ID No. 129-00050, located at 8999 West Franklin Road, in Mount Vernon, Posey County, Indiana ("Site").
2. Pursuant to Part 70 Permit 129-44338-00050 ("Permit 44338") condition D.4.2(a), acetaldehyde emissions shall not exceed 0.32 pounds per hour ("lb/hr") for each DDGS dryer RTO stack (SV-1802A and SV-1802B).

On March 31, 2022, Respondent conducted stack testing of Dryer B/RTO B (EU-1801B) with results of testing indicated acetaldehyde emissions of 0.46 lb/hr, in violation of Permit condition D.4.2(a).

3. Pursuant to Permit 44338 condition D.4.2(c), formaldehyde emissions shall not exceed 0.07 lb/hr for each DDGS dryer RTO stack (SV-1802A and SV-1802B).

On March 31, 2022, Respondent conducted stack testing of Dryer B/RTO B (EU-1801B) with results of testing indicated formaldehyde emissions of 0.10 lb/hr, in violation of Permit condition D.4.2(c).

4. Pursuant to Permit 44338 condition D.1.5(c), not later than 180 days after the issuance of Significant Source Modification 129-38153-00050, the permittee shall perform PM, PM10, and PM2.5 testing of one of the Grain Storage Silos (EU-2001 and EU-2002).

Respondent failed to conduct performance testing of one of the Grain Storage Silos by February 26, 2018, in violation of Permit 44338 condition D.1.5(c).

5. Pursuant to Permit 44338 condition D.1.6, the Permittee shall record the pressure drop across the control devices shown in the table at least once per day when the associated emissions unit is in operation. When, for any one reading, the pressure drop across a control device is outside the normal range, the Permittee shall take a reasonable response.

During the second quarter of 2022, Respondent failed to record responses when the baghouses controlling the Grain Receiving and Handling and Hammermill processes were out of range, in violation of Permit 44338 conditions D.1.6.

6. Pursuant to Part 70 Permit 129-43205-00050 ("Permit 43205") condition D.4.12(c) and subsequent permits with the same condition, on and after the date the stack test results are available, the 3-hour average duct pressure or fan amperage shall be maintained within the 3-hour average normal range as established in latest compliant stack test.

Pursuant to Permit 43205 condition D.4.12(d) and subsequent permits with the same condition, when, for any one reading, the 3-hour average duct pressure or fan amperage is outside the above mentioned 3-hour average ranges, the Permittee shall take a reasonable response.

During the second, third and fourth quarters of 2021, Respondent failed to take or record response steps when the 3-hour average duct pressure was outside the 3-hour range, in violation of Permit 43205 conditions D.4.12(c), and D.4.12(d).

7. Pursuant to Part 70 Permit 129-39465-00050 ("Permit 39465") conditions D.5.2(d) and D.5.7, the Permittee shall certify and maintain a continuous emissions monitoring system ("CEMS") for each carbon bed within 180 days after the effective date of Commissioner's Order #2015-01. The CEMS shall meet the performance specifications of 40 CFR 60, Appendix B, Performance Specification No. 8 and is subject to monitor system certification requirements pursuant to 326 IAC 3-5.

Respondent failed to certify the CEMS for each carbon bed within 180 days after the effective date of Commissioner's Order #2015-01, in violation of Permit 39465 conditions D.5.2(d) and D.5.7.

8. Pursuant to Part 70 Permit 129-38638-00050 ("Permit 38638") conditions D.5.9 and D.5.11 and subsequent permits with the same conditions, in the event that a breakdown of a VOC continuous emissions monitoring system (CEMS) occurs, a record shall be made of the time and reason of the breakdown and efforts made to correct the problem.

Respondent failed to track downtime events of the VOC CEMS, in violation of Permit 38638 conditions D.5.9 and D.5.11 and subsequent permits with the same conditions.

9. Pursuant to Permit 38638 condition D.5.13 and subsequent permits with the same condition, the Permittee shall prepare and submit to IDEM, OAQ a written report of the results of the calibration gas audits ("CGAs") and relative accuracy test audits ("RATAs") for each calendar quarter within thirty (30) calendar days after the end of each quarter.

Respondent failed to prepare and submit CGAs and RATAs for 9 quarters between 2019 and 2022, in violation of Permit 38638 condition D.5.13 and subsequent permits with the same condition.

10. Pursuant to 40 CFR 63.11116(a)(3), you must not allow gasoline to be handled in a manner that would result in vapor releases to the atmosphere for extended periods of time. Measure to be taken include cover all open gasoline containers and all gasoline storage fill-pipes with a gasketed seal when not in use.

On August 11, 2022, Respondent was observed having a gasoline storage fill-pipe without a gasket in place, in violation of 40 CFR 63.11116(a)(3).

11. Pursuant to Permit 44338 condition D.1.4, Grain Storage Silo (EU-2001) shall be controlled by baghouses CE-2003A and CE-2003B.

On August 11, 2022, Respondent was observed having dust coming from a loose cover on the conveyor leg to the Grain Storage Silo EU-2001 in violation of to Permit 44338 condition D.1.4.

Pursuant to IC 13-30-3-3, the Commissioner herein provides notice that the violations may exist and offers an opportunity to enter into an Agreed Order providing for the actions required to correct the violations and, as necessary and appropriate, for the payment of a civil penalty. The Commissioner is not required to extend this offer for more than sixty (60) days.

Pursuant to IC 13-30-3-3, an alleged violator may enter into an Agreed Order without admitting the violations occurred. IDEM encourages settlement by Agreed Order, thereby resulting in quicker correction of the environmental violations and avoidance of extensive litigation. Timely settlement by Agreed Order may result in a reduced civil penalty. Also, settlement discussions will allow Respondent the opportunity to present any mitigating factors that may be relevant to the violations.

If an Agreed Order is not entered into within sixty (60) days of receipt of this Notice of Violation, the Commissioner may issue a Notice and Order under IC 13-30-3-4 containing the actions that must be taken to correct the violations and requiring the payment of an appropriate civil penalty. Pursuant to IC 13-30-4-1, the Commissioner may assess penalties of up to \$25,000 per day for each violation.

Please contact Matthew Chaifetz at 317-232-8408 or mchaifet@idem.IN.gov within fifteen (15) days after receipt of this Notice to discuss resolution of this matter.

For the Commissioner:



Date: 7-25-24

Janusz Johnson, Chief
Compliance and Enforcement Branch
Office of Air Quality

cc: Chris Osowski, EVP, Operations & Technology, Chris.Osowski@gpreinc.com
Jeremy DuMond, VP, EHSS, Jeremy.DuMond@gpreinc.com
Chris Albers, Director of Operations, Chris.Albers@gpreinc.com
Michelle Mapes, Chief Legal & Administration Officer, Michelle.Mapes@gpreinc.com
Ryan Rezac, Corporate Environmental Manager, Ryan.Rezac@gpreinc.com
Nathan Frank, US EPA Region 5
Matthew Chaifetz, Compliance and Enforcement Branch, Office of Air Quality
Tammy Haug, Compliance and Enforcement Branch, Office of Air Quality
Randy Hoffman, Compliance and Enforcement Branch, Office of Air Quality
Mark Finley, Office of Legal Counsel, IDEM
IDEM Public File

From: [Todd Becker](#)
To: [ROBERTS, GOLDIE](#)
Subject: Read: Green Plains Mount Vernon LLC (#28842-A & #28992-A) Notice of Violation & Proposed Agreed Order
Date: Thursday, July 25, 2024 9:06:09 AM

Your message

To: Todd Becker

Subject: Green Plains Mount Vernon LLC (#28842-A & #28992-A) Notice of Violation & Proposed Agreed Order

Sent: Thursday, July 25, 2024 7:53:24 AM (UTC-06:00) Central Time (US & Canada)

was read on Thursday, July 25, 2024 8:05:58 AM (UTC-06:00) Central Time (US & Canada).

