



INDIANA DEPARTMENT OF ENVIRONMENTAL MANAGEMENT

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Mike Braun
Governor

Clint Woods
Commissioner

STATE OF INDIANA)	SS: BEFORE THE INDIANA DEPARTMENT OF
)	
COUNTY OF MARION)	ENVIRONMENTAL MANAGEMENT
COMMISSIONER OF THE DEPARTMENT)	
OF ENVIRONMENTAL MANAGEMENT,)	
)	
Complainant,)	
)	
v.)	Case No. 2024-30494-A
)	
POET BIOREFINING - CLOVERDALE, LLC,)	
)	
Respondent.)	

AGREED ORDER

Complainant and Respondent desire to settle and compromise this action without hearing or adjudication of any issue of fact or law, and consent to the entry of the following Findings of Fact and Order. Pursuant to Indiana Code (“IC”) 13-30-3-3, entry into the terms of this Agreed Order does not constitute an admission of any violation contained herein. Respondent’s entry into this Agreed Order shall not constitute a waiver of any defense, legal or equitable, which Respondent may have in any future administrative or judicial proceeding, except a proceeding to enforce this order.

I. FINDINGS OF FACT

1. Complainant is the Commissioner (“Complainant”) of the Indiana Department of Environmental Management (“IDEM”), a department of the State of Indiana created by IC 13-13-1-1.
2. Respondent is POET Biorefining - Cloverdale, LLC (“Respondent”), which owns and operates the stationary ethanol production plant with Plant ID No. 133-00003, located at 2265 E County Road 800 South, in Cloverdale, Putnam County, Indiana (“Site”).
3. IDEM has jurisdiction over the parties and the subject matter of this action.
4. Pursuant to IC 13-30-3-3, IDEM issued a Notice of Violation (“NOV”) via Electronic Mail to:

Visit on.in.gov/survey or scan the QR code to provide feedback.

We appreciate your input!



Member
POET Biorefining –
Cloverdale, LLC
4615 N. Lewis Avenue
Sioux Falls, SD 57104
Matt.Braun@poet.com

Corporation Service Company,
Registered Agent
135 North Pennsylvania Street
Suite 1610
Indianapolis, IN 46204
sop@cscglobal.com

5. During an investigation including an inspection on October 16, 2024 conducted by a representative of IDEM, the following violations were found:

- a. Pursuant to Part 70 Permit 133-45969-00004 ("Permit") Condition D.2.8(f), not later than 180 days after the startup of fermenter EU048 and in order to demonstrate compliance with Conditions D.2.1(e), D.2.2(e), the Permittee shall perform volatile organic compound ("VOC"), Acetaldehyde, Methanol, and Acrolein testing of the RTOs CE015 and CE016.

Respondent failed to conduct testing of RTOs CE015 and CE016 not later than 180 days after the startup of fermenter EU048, in violation of Permit Condition D.2.8(f).

- b. Pursuant to Permit Conditions D.2.7(a), D.2.7(b), and D.2.7(c), wet scrubbers CE011, CE012 and CE013 shall be in operation and control VOC and Hazardous Air Pollutants ("HAP") emissions when the mash preparation, fermentation, and/or distillation and dehydration processes facilities are in operation.

On three (3) occasions in October 2023 and three (3) occasions in March 2024, Respondent failed to control emissions with wet scrubber CE011, CE012 and/or CE013, in violation of Permit Conditions D.2.7(a), D.2.7(b), and D.2.7(c).

- c. Pursuant to Permit Condition D.2.1(e), when the Scrubber (CE012) is not operating, either or both RTOs (CE015 and/or CE016) shall control emissions from the fermentation process, the set of stillage centrifuges (EU033), the DDGS dryers (EU034 and EU035), and the DDGS fluid bed cooler (EU038).

On three (3) occasions in the fourth quarter 2023 and three (3) occasions in the first quarter 2024, Respondent failed to control emissions with either RTOs (CE015 and/or CE016) when the scrubber (CE012) was not operating, in violation of Permit Condition D.2.1(e).

- d. Pursuant to Permit Condition D.2.7(b), the wet scrubber CE012 for VOC and HAP control shall be in operation and control emissions from the fermentation process facilities at all times the fermentation process facilities are in operation.

On November 2, 2023 and February 26, 2024, emissions were not controlled by wet scrubber CE012 when pressure relief valves triggered, in violation of Permit Condition D.2.7(b).

- e. Pursuant to Permit Conditions D.1.6 and D.2.15, visible emission notations of baghouses CE001, CE003, CE004 through CE10, and CE017 stack exhausts shall be performed once per day during normal daylight operations.

On eight (8) occasions in the fourth quarter 2023 and twelve (12) occasions in the second quarter 2024, Respondent failed to perform visible emission notations of baghouses CE001, CE003, CE004 through CE10, and/or CE017 stack exhausts, in violation of Conditions D.1.6 and D.2.15.

- f. Pursuant to Permit Condition E.3.2(4) and 40 CFR 60.482-2a(a)(2), each pump in light liquid service shall be checked by visual inspection each calendar week for indications of liquids dripping from the pump seal.

Respondent failed to conduct weekly visual inspections of pumps in light liquid service for the weeks April 1, 2024 through June 24, 2024, in violation of Permit Condition E.3.2(4) and 40 CFR 60.482-2a(a)(2).

6. Respondent submitted a permit modification application on February 28, 2025, to modify the Alternative Operating Scenario 1 ("AOS1") to remove performance testing of the RTO in AOS1 and permitting of a new scrubber to allow for operations during scrubber maintenance and cleaning. Significant Permit Modification 133-48803-00003 was issued on August 26, 2025
7. Orders of the Commissioner are subject to administrative review by the Office of Administrative Law Proceedings under IC 4-21.5; however, in recognition of the settlement reached, Respondent acknowledges notice of this right and waives any right to administrative and judicial review of this Agreed Order.

II. ORDER

1. This Agreed Order shall be effective ("Effective Date") when it is approved by Complainant or Complainant's delegate, and has been received by Respondent. This Agreed Order shall have no force or effect until the Effective Date.
2. Respondent shall comply with Part 70 Permit 133-48803-00003 unless superseded by a modification or renewal.
3. All submittals required by this Agreed Order, unless IDEM notifies the Respondent otherwise in writing, shall be sent to:

Matthew Chaifetz, Senior Enforcement Case Manager
Office of Air Quality
Indiana Department of Environmental Management
Indiana Government Center North
100 North Senate Avenue, Room 13W
Indianapolis, IN 46204-2251
mchaifet@idem.in.gov

4. Pursuant to IC 13-30-4-1, Respondent is assessed and agrees to pay a civil penalty of Sixty-Six Thousand Seven Hundred Fifty Dollars (\$66,750.00). Said penalty amount shall be due and payable to the Environmental Management Special Fund within thirty (30) days of the Effective Date; the thirtieth day being the "Due Date."
5. Civil penalties are payable by check to the "Environmental Management Special Fund." Checks shall include the Case Number of this action and shall be mailed to:

Indiana Department of Environmental Management
Accounts Receivable
Indiana Government Center North
100 North Senate Avenue, Room 13E
Indianapolis, IN 46204
6. In the event that the monies due to IDEM pursuant to this Agreed Order are not paid on or before their Due Date, Respondent shall pay interest on the unpaid balance at the rate established by IC 24-4.6-1. The interest shall be computed as having accrued from the Due Date until the date that Respondent pays any unpaid balance. Such interest shall be payable to the Environmental Management Special Fund, and shall be payable to IDEM in the manner specified in Paragraph 5, above.
7. Signatories to this Agreed Order certify that they are fully authorized to execute this Agreed Order and legally bind the party they represent.
8. This Agreed Order shall apply to and be binding upon Respondent and all successors and assigns. Respondent shall provide a copy of this Agreed Order, if in force, to any subsequent owners, successors, or assigns before ownership rights are transferred.
9. No change in ownership, corporate, or partnership status of Respondent shall in any way alter the Respondent's status or responsibilities under this Agreed Order.
10. Respondent shall ensure that all contractors, firms, and other persons performing work under this Agreed Order comply with the terms of this Agreed Order.
11. In the event that any terms of this Agreed Order are found to be invalid, the remaining terms shall remain in full force and effect and shall be construed and enforced as if this Agreed Order did not contain the invalid terms.

12. This Agreed Order is not and shall not be interpreted to be a permit or a modification of an existing permit. This Agreed Order, and IDEM's review or approval of any submittal made by Respondent pursuant to this Agreed Order, shall not in any way relieve Respondent of the obligation to comply with the requirements of any applicable permits or any applicable Federal or State laws or regulations.
13. Complainant does not, by its approval of this Agreed Order, warrant or aver in any manner that Respondent's compliance with any aspect of this Agreed Order will result in compliance with the provisions of any permit, order, or any applicable Federal or State law or regulation. Additionally, IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of Respondent's efforts to comply with this Agreed Order.
14. Nothing in this Agreed Order shall prevent or limit IDEM's rights to obtain penalties or injunctive relief under any applicable Federal or State law or regulation, except that IDEM may not, and hereby waives its right to, seek additional civil penalties for the violations specified in the NOV.
15. Nothing in this Agreed Order shall prevent IDEM or anyone acting on its behalf from communicating with the U.S. Environmental Protection Agency ("U.S. EPA") or any other agency or entity about any matters relating to this enforcement action. IDEM or anyone acting on its behalf shall not be held liable for any costs or penalties Respondent may incur as a result of such communications with the U.S. EPA or any other agency or entity.
16. This Agreed Order shall remain in effect until Respondent has complied with all terms and conditions of this Agreed Order and IDEM has issued a Resolution of Case letter to Respondent.

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TECHNICAL RECOMMENDATION:
Department of Environmental
Management

By: 

For David P. McIver
Section Chief
Enforcement Section
Office of Air Quality

Date: October 1, 2025

RESPONDENT:
POET Biorefining, LLC

By: _____

Printed: _____

Title: _____

Date: _____

COUNSEL FOR RESPONDENT:

By: _____

Date: _____

APPROVED AND ADOPTED BY THE INDIANA DEPARTMENT OF
ENVIRONMENTAL MANAGEMENT THIS _____ DAY OF
_____, 20____.

For the Commissioner:

Matthew Stuckey
Assistant Commissioner
Office of Air Quality
Indiana Department of Environmental
Management