



# 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](http://www.idem.IN.gov)

**Eric J. Holcomb**  
Governor

**Brian C. Rockensuess**  
Commissioner

July 3, 2024

**VIA EMAIL** [dave.mrowzinski@igs.com](mailto:dave.mrowzinski@igs.com)

LD Monterey Biogas, LLC  
Attn: Dave Mrowzinski  
6100 Emerald Parkway  
Dublin, Ohio 43016

Re: Biomass Registration Modification Approval  
LD Monterey Biogass, LLC  
Pulaski County  
SW Program ID 66-001B

Dear Mr. Mrowzinski:

LD Monterey Biogas, LLC's modification to their biomass registration for the LD Monterey Biogass, LLC Biomass Anaerobic Digester Facility is approved. You, the registrant, must comply with Indiana's rules for biomass facilities (329 IAC 11.5) and the terms of this modification. Your attention to these requirements protects public health and the environment in your community. Please feel free to contact us or your compliance inspector if you have any questions.

**Please note:** This approval has been amended to revise requirements 2, 6, 10, and 19 of the original approval issued on June 23, 2023 (VFC #[83493283](#)). This modification consists of using Octaform permanent concrete forms to replace the approved removable concrete forms and an update to the submittals email.

This registration will expire on **June 22, 2028**. To operate past this date, you must submit a renewal application on or before **April 23, 2028** (329 IAC 11.5-4-1(d)).

LD Monterey Biogass, LLC is a Biomass Anaerobic Digester Facility that will accept manure exclusively from Loehmer Dairy. The facility will have a maximum biomass intake of 75,000 gal/day. It is located at 4544 N 400 E, Monterey in Pulaski County, Indiana.

Public records for your facility are available in IDEM's Virtual File Cabinet (VFC) on the IDEM website. You may directly view the VFC files referenced in this request by clicking on their [hyperlinked](#) VFC numbers. You may also view the referenced VFC documents, along with other documents related to this facility, by going to <http://vfc.idem.in.gov/>, and searching on the VFC number or the facility's SW Program ID. Documents related to this decision include the dated April 2, 2024 (VFC #[83619913](#)) and additional information dated June 7, 2024 (VFC #[83654362](#)). **Note:** all document page



Visit [on.IN.gov/survey](https://on.IN.gov/survey) or scan the QR code to provide feedback.

*We appreciate your input!*



numbers cited are the page numbers of the PDF file referenced in VFC, not the original numbering of the document.

This registration does not: convey any property rights of any sort or any exclusive privileges; authorize any injury to any person or private property or invasion of other private rights or any infringement of federal, state, or local laws or regulations; or preempt any duty to comply with other state or local requirements (329 IAC 11.5-4-1(j)). If you have questions regarding other approvals required by Indiana's air and/or water pollution control rules, please contact the IDEM Office of Air Quality at (317) 233-0178) and the Office of Water Quality at (317) 232-8709).

If you do not comply with the requirements of this registration or 329 IAC 11.5, IDEM may modify or revoke this registration (329 IAC 11.5-4-1(i)) or initiate an enforcement action.

If you wish to appeal this decision you must file a request for administrative review with the Office of Environmental Adjudication within the following timeframes:

1. If you received this notice by email, you must file the request within 15 days of the date IDEM sent the email.
2. If you received this notice by U.S. mail, you must file the request within 18 days of the notice postmark date (15 days from the date IDEM mailed the notice, plus three days for mailing time.

The enclosed Guide to the Appeals Process notifies you of additional important details regarding the appeal process and your rights and responsibilities for filing an adequate and timely appeal.

If you have any questions, please contact Adam Weinzapfel, the permit manager assigned this facility, by dialing (317) 232-7612 or by e-mail at [Aweinzap@idem.in.gov](mailto:Aweinzap@idem.in.gov).

Sincerely,



Thomas Kreke, Chief  
Solid Waste Permits Section  
Office of Land Quality

Enclosures: Registration Requirements  
Guide to the Appeals Process

cc with enclosures: Pulaski County Health Department  
Pulaski County Commissioners  
Northwest Indiana Solid Waste Management District  
Director, Northwest IDEM Regional Office  
President, Monterey Town Council  
Kari Simpkins [ksimpkins@agenvironmental.net](mailto:ksimpkins@agenvironmental.net)

## REGISTRATION REQUIREMENTS

1. The registrant must comply with 329 IAC 11.5 and all approved plans and specifications.
2. The registrant must construct the biomass processing facility as described in the biomass registration plans dated March 1, 2023 (VFC #[83443703](#), pp. 48-60 of 60). The Octaform construction manual (pp. 28-29 of 29, VFC #[83619913](#)) and the RAI response dated June 7, 2024 (VFC #[83654362](#)) supersede construction specifications (p. 60 of 60, VFC #[83443703](#)), if there is a conflict.
3. The registrant must notify IDEM in writing:
  - a. At least 15 days before beginning construction; and
  - b. Within 5 days after completing construction of the facility.
4. The perimeter drains for the digesters and pits must be monitored for presence of ammonia nitrogen. The record of monitoring must be kept on-site for a minimum of five years in the operating record. If ammonia nitrogen is detected in the perimeter drain, then the liquid contents of the perimeter drain must be directed to the digester or other IDEM approved source.
5. The emergency overflow pipe that connects the digesters D-1 and D-2 to the lagoon E30 must be inspected quarterly to ensure the pipe is not obstructed in any way and to prevent system overflow. These inspections can be accomplished by flushing the pipe with water and ensuring the flow exits the pipe into the lagoon. Inspection logs of the overflow pipe must be kept on-site for a minimum of five years in the operating record.
6. The registrant must submit professional engineer certification as required by 327 IAC 19-12-4(d) and (s) for the digesters and pits. Results of the pipe system pressure testing must be included (these results do not need to be certified by a professional engineer). The submittal must certify that the newly constructed digesters and pits comply with the approved plans and specifications as shown in the documents dated March 1, 2023 (VFC #[83443703](#)) and April 2, 2024 (VFC #[83619913](#)).
7. The registrant may accept and process only the following biomass: cow manure and other biomass from the dairy (Loehmer Dairy, LLC; Farm ID #6150) adjacent to LD Monterey Biogas, LLC. 'Biomass' is defined under IC 13-11-2-16.6 and 329 IAC 11.5-2-3. Non-biological material, including plastic, is not biomass. The acceptable biomass from the adjacent dairy applies to current dairy operations, any new biomass for the digester will need to be approved first by IDEM before use.

8. Manure that has been processed by the registrant must be returned to the Loehmer Dairy's CFO lagoons when digestion process has been completed. The Loehmer Dairy CFO must ensure that their lagoons have sufficient capacity to always accept return of processed manure.
9. The registrant must not store more than 11,723 tons (2,673,405 gallons) of biomass at the facility at any one time.
10. The registrant must process biomass in the two 1,210,683-gallon semi-underground anaerobic digester tanks as described in the document dated March 1, 2023 (VFC #[83443703](#)) and April 2, 2024 (VFC #[83619913](#)). The registrant must upgrade the recovered biogas onsite to pipeline quality natural gas where it is then compressed and loaded onto trucks to be injected into the natural gas pipeline offsite.
11. The registrant must follow the screening, storage, material handling, processing, and treatment procedures described in the document dated April 11, 2023 (VFC #[83470674](#)), and as specified in 329 IAC 11.5-5 and 329 IAC 11.5-6. Any spills that may occur must be contained by following the "Emergency Response Plan" submitted with the document dated March 1, 2023 (VFC #[83443703](#), pp. 40-43 of 60).
12. The registrant must establish financial assurance within 45 days after issuance of this registration as specified in 329 IAC 11.5-8-1 to cover the costs of closure of this facility.
  - a. The amount of financial assurance mechanism must not be less than \$426,757.00.
  - b. The registrant must submit signed originals of the financial assurance mechanism and updates used to meet this requirement.
13. In the event of an emergency, such as a fire or spill, or if the facility is unable to operate or process and there is no more remaining storage capacity, the registrant must follow the contingency action plan submitted with the document dated March 1, 2023 (VFC #[83443703](#), p. 39 of 60) (329 IAC 11.5-4-1(g)(13)). If the designated waste storage areas are full, and/or the facility is unable to process waste, the facility must stop accepting biomass at LD Monterey Biogas until operations can resume.

The registrant must call (888) 233-7745 (IDEM's emergency response line) as soon as possible after learning of any event that may cause an imminent and substantial endangerment to human health or the environment, such as a reportable spill (327 IAC 2-6.1) or a fire or explosion that requires the response of the local fire department.

The registrant must also submit a written report to the person and address listed in Requirement 20 within five business days after the event. The report must describe the event, and actions taken or planned to correct the event and prevent its recurrence.

14. In cases where the source of the spill cannot be determined, IDEM may pursue enforcement against both the digester registrant and the CFO permittee as responsible parties.
15. The registrant must conduct regular inspections and maintenance of the digester and all auxiliary equipment and biomass storage and processing areas to ensure proper operation of the facility as described in the LD Monterey Biogas "Design and Operation Checklist" submitted with the document dated April 11, 2023 (VFC #83470674). Inspection logs and records of repairs and shutdowns of the equipment must be kept on-site for a minimum of five years in the operating record.
16. Any waste generated at this facility must be properly disposed of or sent for further processing, reuse, or recycling in compliance with all applicable local, state, and federal regulations.
17. The registrant must maintain records for a period of five years including the following total amounts in tons (329 IAC 11.5-5-1(b)(4)):
  - a. Biomass and received
  - b. Biomass and processed
  - c. Reusable byproduct generated
  - d. Residues shipped for disposal
18. The owner or operator must notify IDEM of facility closure at least 14 days before the date that the facility permanently stops accepting biomass and follow the closure requirements in 329 IAC 11.5-7.
19. Unless otherwise noted, submittals should be sent to the Solid Waste Permits section at the below email address. Include the facility name and SW Program ID in the email subject line.

[SolidWasteSubmittals@idem.IN.gov](mailto:SolidWasteSubmittals@idem.IN.gov)

If you have questions contact the Solid Waste Permits section at (317) 232-4473, or the Permit Manager assigned to your facility.



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# What if you are not satisfied with this decision and you want to file an appeal?

## Who may file an appeal?

The decision described in the accompanying Notice of Decision may be administratively appealed. Filing an appeal is formally known as filing a “Petition for Administrative Review” to request an “administrative hearing”.

If you object to this decision issued by the Indiana Department of Environmental Management (IDEM) and are: 1) the person to whom the decision was directed, 2) a party specified by law as being eligible to appeal, or 3) aggrieved or adversely affected by the decision, you are entitled to file an appeal. (An aggrieved and adversely affected person is one who would be considered by the court to be negatively impacted by the decision. If you file an appeal because you feel that you are aggrieved, it will be up to you to demonstrate in your appeal how you are directly impacted in a negative way by the decision).

The Indiana Office of Administrative Law Proceedings (OALP) was established by state law – see Indiana Code (IC) 4-15-10.5 and is a separate state agency independent of IDEM. Review by OALP of IDEM decisions is limited to the review of environmental pollution concerns or any alleged technical or legal deficiencies associated with the IDEM decision making process. Once your request has been received by OALP, your appeal may be considered by an Administrative Law Judge.

## What is required of persons filing an appeal?

Filing an appeal is a legal proceeding, so it is suggested that you consult with an attorney. Your request for an appeal must include your name and address and identify your interest in the decision (or, if you are representing someone else, his or her name and address and their interest in the decision). In addition, please include a photocopy of the accompanying Notice of Decision or list the permit number and name of the applicant, or responsible party, in your letter.

Before a hearing is granted, you must identify the reason for the appeal request and the issues proposed for consideration at the hearing. You also must identify the permit terms and conditions that, in your judgment, would appropriately satisfy the requirements of law with respect to the IDEM decision being appealed. That is, you must suggest an alternative to the language in the permit (or other order, or decision) being appealed, and your suggested changes must be consistent with all applicable laws (See Indiana Code 13-15-6-2) and rules (See Title 315 of the Indiana Administrative Code, or 315 IAC).



A State that Works

The effective date of this agency action is stated on the accompanying Notice of Decision (or other IDEM decision notice). If you file a “Petition for Administrative Review” (appeal), you may wish to specifically request that the action be “stayed” (temporarily halted) because most appeals do not allow for an automatic “stay”. If, after an evidentiary hearing, a “stay” is granted, the IDEM-approved action may be halted altogether, or only allowed to continue in part, until a final decision has been made regarding the appeal. However, if the action is not “stayed” the IDEM-approved activity will be allowed to continue during the appeal process.

### **Where can you file an appeal?**

If you wish to file an appeal (petition for administrative review), you must do so in writing. To access the petition form and more information on filing a petition with OALP, visit their website at <https://www.in.gov/oalp/>. Submit your petition form electronically as directed on the OALP website, or send or deliver it to:

**Office of Administrative Law Proceedings  
100 North Senate Avenue, Suite N802  
Indianapolis, IN 46204**

If you file an appeal, also please send a copy of your appeal letter to the IDEM contact person identified in the Notice of Decision, and to the applicant (person receiving an IDEM permit, or other approval).

Your appeal must be received by OALP in a timely manner. The due date for filing an appeal may be given, or the method for calculating it explained, on the accompanying Notice of Decision (NOD). Generally, appeals must be filed within 18 days of the mailing date of the NOD. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to OALP, by the close-of-business on the eighteenth day (if the 18<sup>th</sup> day falls on a day when OALP is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which QALP is open), or
- 2) Given to a private carrier who will deliver it to the OALP on your behalf, (and from whom you must obtain a receipt dated on or before the 18<sup>th</sup> day), or
- 3) For those petitions sent by U.S. Mail, your letter must be postmarked by no later than midnight of the 18<sup>th</sup> day, or
- 4) Submitted using OALP’s online petition form, available at <https://www.in.gov/oalp/>

### **What are the costs associated with filing an appeal?**

The OALP does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. A cost that could be associated with your appeal would be for attorney’s fees. Although you have the option to act as your own attorney, the administrative review and associated hearing are complex legal proceedings; therefore, you should consider whether your interests would be better represented by an experienced attorney.

**What can you expect from the Office of Administrative Law Proceedings after you file for an appeal?**

The OALP will provide you with notice of any prehearing conference, preliminary hearings, hearings, “stays,” or orders disposing of the review of this decision. In addition, you may contact the OALP by phone at 1-800-457-8283 with any scheduling questions. However, technical questions should be directed to the IDEM contact person listed on the Notice of Decision.

Do not expect to discuss details of your case with OALP other than in a formal setting such as a prehearing conference, a formal hearing, or a settlement conference. The OALP is not allowed to discuss a case without all sides being present. All parties to the proceeding are expected to appear at the initial prehearing conference.



**From:** [postmaster@IGSCompanies.onmicrosoft.com](mailto:postmaster@IGSCompanies.onmicrosoft.com)  
**To:** [dave.mrowzinski@igs.com](mailto:dave.mrowzinski@igs.com)  
**Subject:** Delivered: FW: SW Permit - Biomass Registration Modification Approval - LD Monterey Biogass LLC - SW Program ID 66-001B  
**Date:** Wednesday, July 3, 2024 8:41:45 AM  
**Attachments:** [FW SW Permit - Biomass Registration Modification Approval - LD Monterey Biogass LLC - SW Program ID 66-001B.msg](#)

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Your message has been delivered to the following recipients:

[dave.mrowzinski@igs.com](mailto:dave.mrowzinski@igs.com) (dave.mrowzinski@igs.com) <<mailto:dave.mrowzinski@igs.com>>

Subject: FW: SW Permit - Biomass Registration Modification Approval - LD Monterey Biogass LLC - SW Program ID 66-001B

**From:** [postmaster@webdotcom8498993f51794a.onmicrosoft.com](mailto:postmaster@webdotcom8498993f51794a.onmicrosoft.com)  
**To:** [Kari Simpkins](mailto:Kari_Simpkins)  
**Subject:** Delivered: SW Permit - Biomass Registration Modification Approval - LD Monterey Biogass LLC - SW Program ID 66-001B  
**Date:** Wednesday, July 3, 2024 8:34:35 AM  
**Attachments:** [SW Permit - Biomass Registration Modification Approval - LD Monterey Biogass LLC - SW Program ID 66-001B.msg](#)

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Your message has been delivered to the following recipients:

Kari Simpkins ([ksimpkins@agenvironmental.net](mailto:ksimpkins@agenvironmental.net)) <<mailto:ksimpkins@agenvironmental.net>>

Subject: SW Permit - Biomass Registration Modification Approval - LD Monterey Biogass LLC - SW Program ID 66-001B