



# 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

**November 1, 2024**  
**POET Biorefining North Manchester LLC**  
**169-48019-00068**

To: Interested Parties

This notice is to inform you that a final decision has been issued for the air permit application referenced above. This notice is for informational purposes only. You are not required to take any action.

You are receiving this notice because you asked to be on IDEM's notification list for this company and/or county; or because your property is nearby the company being permitted; or because you represent a local/regional government entity.

The enclosed Notice of Decision Letter provides additional information about the final permit decision.

The final decision and supporting materials are available electronically at:

IDEM's online searchable database: <http://www.in.gov/apps/idem/caats/> . Choose Search Option by Permit Number, then enter permit 48019

and

IDEM's Virtual File Cabinet (VFC): <https://www.in.gov/idem>. Enter VFC in the search box, then search for permit documents using a variety of criteria, such as Program area, date range, permit #, Agency Interest Number, or Source ID.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178, or toll-free at 1-800-451-6027 (ext. 3-0178), and ask to speak to the permit reviewer who prepared the permit.

**Please Note:** *If you would like to be removed from the Air Permits mailing list, please contact Joanne Smiddie-Brush with the Air Permits Administration Section at 1-800-451-6027, ext. 3-0185 or via e-mail at [JBRUSH@IDEM.IN.GOV](mailto:JBRUSH@IDEM.IN.GOV). If you have recently moved and this Notice has been forwarded to you, please notify us of your new address and if you wish to remain on the mailing list. Mail that is returned to IDEM by the Post Office with a forwarding address in a different county will be removed from our list unless otherwise requested.*

Enclosure  
Final Interested Parties Cover Letter 10/13/2023





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To: Interested Parties  
Date: November 1, 2024  
From: Jenny Acker, Chief  
Permits Branch  
Office of Air Quality  
Source Name: POET Biorefining North Manchester LLC  
Permit Level: TV Significant Source Modification (Minor PSD/EO)  
Permit Number: 169-48019-00068  
Source Location: 868 E 800 N, North Manchester, IN 46962  
Type of Action Taken: Modification at an existing source

## Notice of Decision: Approval - Effective Immediately

Please be advised that on behalf of the Commissioner of the Department of Environmental Management, I have issued a decision regarding the matter referenced above.

The final decision is available on the IDEM website at: <http://www.in.gov/apps/idem/caats/>  
To view the document, choose Search Option **by Permit Number**, then enter permit 48019. This search will also provide the application received date, **draft permit** public notice start and end date, and **final** permit issuance date.

The final decision is also available via IDEM's Virtual File Cabinet (VFC). Please go to: <https://www.IN.gov/idem> and enter VFC in the search box. You will then have the option to search for permit documents using a variety of criteria.

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If you would like to request a paper copy of the permit document, please contact IDEM's Office of Records Management:

IDEM - Office of Records Management  
Indiana Government Center North, Room 1207  
100 North Senate Avenue  
Indianapolis, IN 46204  
Phone: (317) 232-8667  
Fax: (317) 233-6647  
Email: [IDEMFILEROOM@idem.in.gov](mailto:IDEMFILEROOM@idem.in.gov)

Pursuant to IC 13-15-5-3, this permit is effective immediately, unless a petition for stay of effectiveness is filed and granted according to IC 13-15-6-3, and may be revoked or modified in accordance with the provisions of IC 13-15-7-1.

If you wish to challenge this decision, IC 4-21.5-3 and IC 13-15-6-1 require that you file a petition for administrative review. This petition may include a request for stay of effectiveness and must be submitted to the Indiana Office of Administrative Law Proceedings, 100 N. Senate Avenue Suite N802, Indianapolis, IN 46204, **within eighteen (18) calendar days of the mailing of this notice**. The filing of a petition for administrative review is complete on the earliest of the following dates that apply to the filing:

- (1) the date the document is delivered to the Indiana Office of Administrative Law Proceedings (OALP) or;
- (2) the date of the postmark on the envelope containing the document, if the document is mailed to OALP by U.S. mail; or
- (3) The date on which the document is deposited with a private carrier, as shown by receipt issued by the carrier, if the document is sent to the OALP by private carrier.

The petition must include facts demonstrating that you are either the applicant, a person aggrieved or adversely affected by the decision or otherwise entitled to review by law. Please identify the permit, decision, or other order for which you seek review by permit number, name of the applicant, location, date of this notice and all of the following:

- (1) the name and address of the person making the request;
- (2) the interest of the person making the request;
- (3) identification of any persons represented by the person making the request;
- (4) the reasons, with particularity, for the request;
- (5) the issues, with particularity, proposed for considerations at any hearing; and
- (6) identification of the terms and conditions which, in the judgment of the person making the request, would be appropriate in the case in question to satisfy the requirements of the law governing documents of the type issued by the Commissioner.

If you have technical questions regarding the enclosed documents, please contact the Office of Air Quality, Permits Branch at (317) 233-0178. Callers from within Indiana may call toll-free at 1-800-451-6027, ext. 3-0178.

# 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 or 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 Office of Administrative Law Proceedings (OALP) is a separate state agency independent of IDEM. OALP was formed in 2019 by H.E.A. 1223 to provide Indiana with a central and independent hearings process for many types of disputes.

## **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).

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.

*(See reverse side)*

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

If you wish to file an appeal, you must do so in writing. Do not send the original copy of your appeal request to IDEM. Instead, send or deliver your appeal to:

Office of Administrative Law Proceedings  
100 N. Senate Avenue  
Indiana Government Center North  
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 (petition for administrative review) must be received by the Office of Administrative Law Proceedings (OALP) in a timely manner. Different types of permit approvals have different deadlines for filing an appeal. The accompanying Notice of Decision (NOD) explains how to determine the due date for filing an appeal for this particular permit decision. To ensure that you meet this filing requirement, your appeal request must be:

- 1) Delivered in person to the Office of Administrative Law Proceedings (OALP) by the close-of-business on the due date. (If the due date falls on a day when the OALP is closed for the weekend or for a state holiday, then your petition will be accepted on the next business day on which OALP 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 due date)
- 3) For those appeal requests sent by U.S. Mail, your letter must be postmarked by no later than midnight of the due date.

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

The OEA does not charge a fee for filing documents for an administrative review or for the use of its hearing facilities. Another 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.

**For additional information on filing a petition with OALP, visit their website at <https://www.in.gov/oalp/>**