



NORTH CAROLINA
Environmental Quality

ROY COOPER,
Governor

DIONNE DELLI-GATTI
Secretary

MICHAEL ABRACZINSKAS
Director

5 May 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Mr. Ron Gaskins, Director of Operations
Active Energy Renewable Power
1885 Alamac Road
Lumberton, North Carolina 28358

SUBJECT: Notice of Violation - N.C. General Statute 143-215.108
Construction of New Air Cleaning Devices Prior to Obtaining a Permit
Active Energy Renewable Power Permit #10636R00
Lumberton, NC, Robeson County 06/7800242

Dear Mr. Gaskins:

On 29 March 2021, Stephen Allen, with the Division of Air Quality Fayetteville Regional Office (DAQ FRO), conducted an air quality compliance inspection at the Active Energy Renewable Power (AERP) facility in Lumberton, Robeson County. During this inspection, Mr. Allen observed that an unpermitted cyclone and an unpermitted cartridge filter had been constructed on site. On 14 April 2021, DAQ FRO and AERP representatives participated in a conference call to discuss the current state of construction and the current design of the wood pellet production facility. During that call, AERP representatives confirmed that two unpermitted control devices - a cyclone and a cartridge filter – had been installed at the facility. The DAQ FRO advised the AERP representatives that construction of unpermitted control devices is a violation of the air permit and North Carolina General Statute. DAQ FRO advised AERP representatives to cease construction of any emission source or control device that was not permitted.

In follow-up conversations with Tyler Player, AERP engineering consultant, DAQ FRO learned that the process flow design had changed from what was originally submitted and reviewed in the permit application. The re-designed process includes additional emission sources and control devices, as well as a change in the product flow through previously permitted emission sources. DAQ FRO advised AERP representatives to submit a permit modification application as soon as possible to address the changes and not to construct or operate any unpermitted emission source or control device or operate any part of the process that had been modified from the original permit application submitted.



North Carolina Department of Environmental Quality | Division of Air Quality
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During a follow-up inspection, on 27 April 2021, Mr. Allen observed that a second, unpermitted, cyclone had been constructed at the facility. During subsequent conversations with AERP representatives, DAQ FRO learned that the construction of the second unpermitted cyclone had occurred between the compliance inspection on 29 March 2021 and the conference call on 14 April 2021. AERP representatives confirmed, via email on 22 April 2021, that they had ceased construction of any emission source or control device not currently permitted.

North Carolina General Statute 143-215.108 requires, in part, that “...*construction of new air pollution sources or air cleaning devices, or modifications to the sources or air cleaning devices must be covered under a permit issued by the Division of Air Quality prior to construction. Failure to do so is a violation of G.S. 143-215.108 and may subject the Permittee to civil or criminal penalties as described in G.S. 143-215.114A and 143-215.114B...*” **Therefore, construction of the three control devices, two cyclones and a cartridge filter, prior to obtaining an air quality permit constitutes a violation of G.S. 143-215.108.**

As stated in the “subject” above, this letter represents a Notice of Violation for the cited violation. The above violation and any future violation of an air quality regulation are subject to the assessment of civil penalties per North Carolina General Statute 143-215.114A.

Please respond to this letter in writing as soon as possible, but no later than 19 May 2021. In your response, please explain the cause(s) of the above cited violation and detail the steps you have taken to ensure compliance with the cited requirements. Based on your response, the DAQ FRO will determine if additional enforcement action will be pursued, including the recommendation to the DAQ Director of a civil penalty assessment for the above cited violation.

The DAQ FRO appreciates your prompt attention to this matter. If you have any questions regarding the cited violation, please contact Gregory Reeves, Acting Compliance Coordinator, or me at (910) 433-3300.

Sincerely,



Heather S. Carter
Regional Air Quality Supervisor
Division of Air Quality, NC DEQ

HSC\gwr

cc: FRO Facility Files

