



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korteski, Director

Re: Seneca County
Premise #0374010235
Fostoria Ethanol, LLC
Notice of Violation

December 18, 2009

CERTIFIED MAIL
7009 0820 0000 0591 9624

Robert Flynn, General Manager
Fostoria Ethanol, LLC
2111 Sandusky Street
Fostoria, Ohio 44830

Subject: NOV for failure to submit predictive emission monitoring system (PEMS) reports and request for information by January 11, 2009.

Dear Mr. Flynn:

The company was notified in a letter dated August 28, 2009, from Todd Brown, Continuous Emission/Opacity Monitoring Systems (CEMS/COMS) Coordinator of the Ohio Environmental Protection Agency (EPA), that the company's Boiler 1 and Boiler 2 (B001 and B002, respectively) PEMS certification reviews had been performed and the boilers were deemed certified as of April 4, 2009. As stated by Mr. Brown in that correspondence, Fostoria Ethanol personnel were required to begin submitting excess emission reports (EERs) based on data predicted by the certified PEMS to Ohio EPA's Northwest District Office (NWDO). Furthermore, those reports are due within 30 days following the end of each calendar quarter.

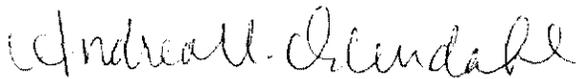
The company's first PEMS report should have been received by October 31, 2009, summarizing any excess emissions that occurred during the third quarter (July 1, 2009 – September 30, 2009). To date, Fostoria Ethanol, LLC has not submitted PEMS quarterly reports for B001 or B002 or indicated when the reports will be provided. This is a violation of the company's Permit to Install and Operate (PTIO) #P0104508, issued June 26, 2009; New Source Performance Standards (NSPS), Subpart Dd; and Ohio Revised Code (ORC) 3704.05.

This office is requesting that the facility submit the third quarter PEMS reports for B001 and B002 by no later than January 11, 2009. The reports must be submitted electronically through the company's eBusiness account. Please note that the submission of the requested information to respond to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Mr. Robert Flynn
December 18, 2009
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Should you have any questions or comments regarding this letter, please contact me at 419-373-3052 or andrea.odendahl@epa.state.oh.us.

Sincerely,

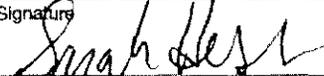


Andrea M. Odendahl
Division of Air Pollution Control

/csl

pc: Tom Kalman, DAPC-CO
Lisa Holscher, US EPA
DAPC-NWDO File

ec: Don Waltermeyer, DAPC-NWDO
Todd Brown, DAPC-CO

| SENDER: COMPLETE THIS SECTION | COMPLETE THIS SECTION ON DELIVERY |
|--|--|
| <ul style="list-style-type: none">■ Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.■ Print your name and address on the reverse so that we can return the card to you.■ Attach this card to the back of the mailpiece, or on the front if space permits. | <p>A. Signature <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>X </p> <p>B. Received by (Printed Name) <input type="checkbox"/> Date of Delivery</p> <p></p> <p>D. Is delivery address different from above? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>If YES, enter delivery address below:</p> |
| <p>1. Article Addressed to:</p> <p>MR ROBERT FL. FLYNN FGA FOSTORIA EDISON, LLC 2111 SANDUSKY ST FOSTORIA OH 44330</p> <p>DAPC/Andrea O./csl</p> | <p>3. Service Type</p> <p><input checked="" type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail</p> <p><input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise</p> <p><input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p> <p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p> |
| <p>2. Article Number (Transfer from service label)</p> | <p>7009 0820 0000 0590 9624</p> |