



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Seneca County
Premise #0374010235
POET Biorefining - Fostoria
Notice of Violation (NOV/non-HPV)

February 10, 2011

CERTIFIED MAIL

Mr. Michael Bishop, General Manager
POET Biorefining - Fostoria
2111 Sandusky Street
Fostoria, Ohio 44830

Subject: NOV for exceedance of annual throughput rate from the ethanol loading operation, emissions unit J001.

Dear Mr. Bishop:

POET Biorefining – Fostoria disclosed in their Fourth Quarter 2010 Compliance Report to Ohio EPA, Division of Air Pollution Control (DAPC) that the company had exceeded their 69,000,000 gallon annual throughput limit for their ethanol loading operation (J001). The company records indicate that 69,230,847 gallons of denatured ethanol were processed through the emissions unit. As the annual emissions limitations of nitrogen oxides (NOx), volatile organic compounds (VOC), and carbon monoxide (CO) are based on the 69,000,000 gallon restriction, the company has also exceeded those emissions limitations.

The exceedances noted above are violations of the company's permit to install and operate (PTIO) #P0105649, issued 9/20/2010, and Ohio Revised Code (ORC) section 3704.05.

The company has already indicated that controls have been put in place to better monitor the annual gallons of ethanol processed through J001 in order to prevent future deviations. At this time, Ohio EPA considers this violation resolved.

Please note, the resolution of this NOV does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

Mr. Michael Bishop, General Manager
February 10, 2011
Page 2

Should you have any questions or comments regarding this letter, please contact me at 419-373-3052 or andrea.odendahl@epa.ohio.gov.

Sincerely,



Andrea M. Odendahl
Division of Air Pollution Control

//lr

pc: Tom Kalman, DAPC-CO
William MacDowell, US EPA – Region 5
~~DAPC-NWDO File~~
Certified Mail Receipt Number 7009 14 10 0001 1840 1423

ec: Jennifer Jolliff, DAPC-NWDO