

State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

Jim Doyle, Governor  
Matthew J. Frank, Secretary  
Lloyd L. Eagan, Regional Director

South Central Region Headquarters  
3911 Fish Hatchery Road  
Fitchburg, Wisconsin 53711-5397  
Telephone 608-275-3266  
FAX 608-275-3338  
TTY Access via relay - 711

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

October 27, 2009

Casetrack ID#2009-SCEE-036

Mr. Dale Drachenberg, Vice President Operations  
Didion Ethanol LLC  
501 South Williams Street  
Cambria, WI 53923

Subject: **Notice of Violation**

Dear Mr. Drachenberg:

Based on a stack test of the fermentation scrubber (C30) performed on July 15, 2009 by Armstrong Environmental the Department is alleging that Didion Ethanol LLC has violated air pollution control construction permit 06-DCF-166 and Chapter 285, Wis. Stats., which govern air pollution.

Specifically, the Department is alleging the following violations:

1. Permit #06-DCF-166 Part I.A.1.a.(2), s. 285.65(7), Wis. Stats., Sections NR 406.10, and s. NR 424.03(2)(c), Wis. Adm. Code limit the volatile organic compound emissions to 3.1 pounds per hour.

A review of the stack test results by Department staff indicates that volatile organic compound emissions were 3.5 lbs per hour. This result was from the first set of Research and Testing on the scrubber utilizing 50 gallons per minute fresh water and an addition of ammonium bisulfite at 1.1 gallons per minute. The second series of testing did show compliance with the permit limit utilizing exclusively reverse osmosis water and 1.3 gallons per minute of ammonium bisulfite.

Permit number 06-DCF-166 was issued on October 19, 2006 with initial operation of the ethanol plant on April 10, 2008. As this was the initial compliance test for this collector, there was a total of 461 days when the facility was in operation and not in compliance with the permit limit of 3.1 lb/hour VOC emissions.

2. Permit #06-DCF-166 Part I.A.1.b.(4), requires that the facility shall conduct a compliance emissions test of the wet scrubber to determine its control efficiency, inlet concentration, exit concentration, VOC and acetaldehyde emission rate. This test shall be conducted within 180 days of initial operation.

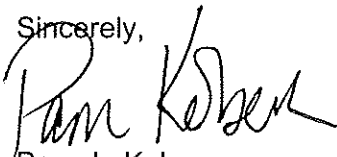
The date of the stack test was July 15, 2009. The date of initial compliance test with this section should have occurred no later than October 7, 2008. This equates to 281 days past the date of initial compliance testing.

The Department understands that Didion now operates the fermentation scrubber with almost double the flow rate as well as with additional chemical feed. **Within 10 days of receipt** of this letter, please provide the Department with the operating parameters that Didion uses, and will continue to use for the fermentation scrubber. Didion must provide proof that continuous compliance is achieved and that Didion operate equipment in compliance with the emissions limitation, or the days of violation previously listed continue to accrue.

Please be advised that the Department is authorized to seek forfeitures of up to \$25,000 per violation per day pursuant to s. 285.87, Wis. Stats.

If there are questions regarding this letter please contact me at 608-275-3306. If there are technical questions pertaining to Didion's air pollution control permit contact Michael Sloat at 608-768-5693.

Sincerely,



Pamela Kober

Environmental Enforcement Specialist

cc: Michael Sloat – SCR  
Martha Makhholm – AM/7  
US EPA – Region 5  
Eric McLeod – Michael Best & Friedrich LLP, PO Box 1806, Madison, WI 53701-1806  
Steve Tinker - DOJ