



State of Wisconsin \ DEPARTMENT OF NATURAL RESOURCES

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

South Central Region Headquarters
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Fitchburg, Wisconsin 53711-5397
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CERTIFIED MAIL
RETURN RECEIPT REQUESTED

January 25, 2010

Casetrack ID#2009-SCEE-004

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 information compiled by the Department, we are alleging that Didion Ethanol is operating in violation of air pollution control construction permit number 08-DCF-155, and Chapter 285, Wis. Stats. which govern air pollution.

According to the results of the stack test, conducted on November 5, 2009. Didion allegedly operated in violation from October 10, 2009 until November 5, 2009. The stack test was done on PM emissions.

The PM emission rate for stack S40 was tested at 1.61 pounds per hour. The permitted level is 1.25 pounds per hour. The Department is alleging that Didion has exceeded their PM emission rate in violation of permit 08-DCF-155 Part 1.a.(1)(a), s. NR 404.08(2), Wis. Adm. Code, and s. 285.65(3), Wis. Stats.

According to an email from Dan Ketter dated October 8, 2009, operation commenced on October 10, 2009. A second stack test was performed on December 29, 2009. The results of this stack test are unknown.

Please respond by **February 12, 2010** with an explanation of the circumstances that led to the emission limit violation, corrective actions that have been taken, and what Didion will do to ensure future compliance.

According to DNR records, the alleged violations meet federal criteria for designation as High Priority Violations (HPV). You should be aware that the violations alleged by the Department are also enforceable by the United States Environmental Protection Agency (USEPA).

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. The Department has not made a final decision on enforcement. Your response will help us determine our options.

If you have questions regarding this letter please contact me at 608-275-3306. If you have technical questions pertaining to your air pollution control construction permit contact Michael Sloat at 608-768-5693.

Sincerely,

A handwritten signature in black ink that reads "Pam Kober". The signature is written in a cursive, flowing style.

Pamela Kober
Environmental Enforcement Specialist

cc: Michael Sloat – SCR
Martha Makholm – AM/7
US EPA – Region 5