



Response to Comments

Project: POET Biorefining - Marion, formerly Marion Ethanol, LLC, Draft NPDES permit
Ohio EPA ID #21F00025*AD/OH0138860

Agency Contacts for this Project

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On July 25, 2007, Ohio EPA public noticed a draft National Pollutant Discharge Elimination System (NPDES) permit for the proposed Marion Ethanol production facility located at the Part of the NW, NE & SE 1/4 Section 8, Marion Township, Marion County, Ohio.

Ohio EPA also scheduled a public hearing, held on August 8, 2007, at the Marion-Harding High School, to obtain public testimony regarding the draft NPDES permit. The following comments were received during the public notice period, as well as during the public hearing held for the draft NPDES permit. An Ohio EPA, Division of Surface Water (Ohio EPA, DSW) response follows each comment listed.

Ohio EPA reviewed and considered all comments received during the public comment period. By law, Ohio EPA has authority to consider specific issues related to protection of the environment and public health. Often, public concerns fall outside the scope of that authority. For example, concerns about zoning issues are addressed at the local level. Ohio EPA may respond to those concerns in this document by identifying another government agency with more direct authority over the issue.

In an effort to help you review this document, the questions are grouped by topic and organized in a consistent format.

Comment 1: **“Yes, two plants! Have you researched the effect they would have on our WATER supplies! If we are going to a shortage down the road, how can you approve something that may pollute our water supply?”**

Response 1: It is Ohio EPA’s understanding that Marion Ethanol is currently in contract negotiations with Ohio American Water Company (OWAC) to supply all water demands at the facility (process and domestic needs). Ohio EPA’s Division of Drinking and Ground Waters (DDAGW) would become involved when applications are received regarding the

installation of water lines. The Agency does look to see whether the source of water supply (i.e., water treatment plant, wells, etc.) is capable of supplying the extra water demand. It should be stressed that the Agency has not received any application regarding the installation of any new proposed water lines for this proposed facility at this time, and Agency involvement will not occur until an application is received.

The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat. The NPDES permit requires toxicity testing twice a year for *Ceriodaphnia dubia* and *Pimephales promelas*, which are pollutant intolerant species. These testing results will be closely monitored by Ohio EPA to ensure the aquatic life in the streams is protected. The NPDES permit also requires that the wastewater discharged to Rock Swale Ditch be tested for pollutants, metals and trace minerals as required by Ohio EPA rules and regulations.

Comment 2: **“For example, the Scioto River watershed has been susceptible to increased loadings of nitrite and phosphorous. These increased loadings result in the growth of algal blooms, increase taste and odors concerns, and treatment challenges. Any wastewater discharge permit in the watershed should prevent these potential outcomes. Another concern for the City is heavy metals, which can potentially be found in ethanol plant wastewater. Strict limits, or at a minimum, monitoring should be included in the discharge permit.”**

Response 2: The NPDES permit incorporates permit limitations based on Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat. The NPDES permit requires toxicity testing twice a year for *Ceriodaphnia dubia* and *Pimephales promelas*, which are pollutant intolerant species. The NPDES permit also requires that the wastewater discharged to Rock Swale Ditch be tested for pollutants, metals and trace minerals as required by Ohio EPA rules and regulations.

Comment 3: **“Why are the (3) Ethanol plants being built without the public even giving a chance to vote yes or no on them coming in?”**

Response 3: Ohio EPA does not have the authority to regulate commerce and/or where these ethanol plants should be located. Ohio EPA is authorized by the U.S.EPA to administer the Clean Water Act in the State of Ohio. Ohio received this delegation based on the rules and regulations that the State of Ohio adopted to bring waters of the state into compliance with the Clean Water Act. Ohio EPA writes the NPDES permit for the facility in accordance with these rules and regulations and based on information provided to Ohio EPA by the facility. Ohio EPA considers all comments made on the draft permit and how these comments relate to the facility and compliance with the Ohio EPA rules and regulations. After considering the comments on the draft NPDES permit, it will be issued final or denied by Ohio EPA's Director.

Comment 4: "Why does Marion County Ohio have 3 plants being built within 3 miles of each other?"

Response 4: Ohio EPA does not have the authority to regulate commerce and/or where these ethanol plants should be located.

Comment 5: "Where do the plants think they're going to get all the water?"

Response 5: It is our understanding that Marion Ethanol LLC is currently in contract negotiations with Ohio American Water to supply all water demands at the facility (process and domestic needs).

Comment 6: "What if they do make all the wells go dry; what can be done about it?"

Response 6: Current plant capacity for the Ohio American Water Company (OAWC) - Marion is 9.1 MGD. The bulk of OAWC-Marion water is drawn from the Little Scioto River and the remainder is drawn from the Scioto River and 15 wells.

Based on the most recent survey (performed in September 2006 and documented in October 2006), average daily production for the Marion water plant (during previous 12 months) was 6.78 MGD, with a peak of 8.044 MGD. In the most recent 12-month reporting period (August 2006 - July

2007), production has been slightly higher, with an average daily production of 6.92 MGD and a peak of 8.048 MGD.

Looking at the difference between the average daily water plant production and water plant capacity, it appears that the water plant could supply (at 100 percent capacity) up to about 2.1 MGD to new water users such as ethanol plants. However, on peak production days, it appears that this surplus supply for new water users (at 100 percent capacity) would drop to approximately 1 MGD.

When a proposed ethanol plant will be served by OWAC-Marion, Ohio EPA will require plan approval for the water line to the proposed facility. Ohio EPA will require that OAWC-Marion and the proposed facility provide a basis of design for the size of the water line and a capacity analysis of the water plant.

Comment 7: “What is the chance of them contaminating the aquifers?”

Response 7: This is an NPDES draft permit for the proposed surface discharge from the Marion Ethanol plant.

Comment 8: “What about the smells, like the chicken farm over in Killdeer?”

Response 8: Ohio EPA’s Division of Air Pollution Control will regulate the air quality associated with this ethanol plant.

Comment 9: “How about beetles and flies?”

Response 9: Ohio EPA’s Division of Surface Water does not regulate and consider beetles/flies issue in review the permit application. The facility must responsibly conduct all site operations and general housekeeping on site to ensure that all Ohio EPA permits are met and to prevent any conditions that may lead to a pollutant release to the environment. Failure of the facility to operate in a responsible manner will lead to violations of Ohio EPA permits and the possibility of escalated enforcement.

Comment 10: “Why not just build one ethanol plant to see how it goes before building the other 2?”

Response 10: Ohio EPA does not have the authority to regulate commerce.

Comment 11: “Who is responsible to keep up the roads the heavy trucks tear?”

Response 11: Local government entities such as the county and local township.

Comment 12: “Will this be a year round operation?”

Response 12: Yes.

Comment 13: “Who will police the plants to see if they’re kept clean and obey the air and water regulation and agreements?”

Response 13: To be in compliance with the Ohio wastewater (NPDES) permit the facility is required to sample the wastewater and storm water as specified in the permit. Some of the parameters contained in the permit are monitored daily while others are monitored semi-annually. This information is reported to the Ohio EPA in the Monthly Operating Report that the facility is required to submit under their NPDES permit. Based on this information and compliance inspections that we conduct at the facility, Ohio EPA will determine the compliance status of the facility. Ohio EPA will work with the facility to come into compliance, however, if the facility is not adequately addressing compliance issues and has failed to achieve compliance with the permit, Ohio EPA will pursue enforcement.

Ohio EPA’s Division of Air Pollution Control will regulate the air quality associated with this ethanol plant. The air permit for the ethanol plant was developed in accordance with air pollution rules and regulations which protect public health over the short and long term.

Comment 14: “Who will represent the public side of a dispute?”

Response 14: Ohio EPA will work with the facility to come into compliance, however, if the facility is not adequately addressing compliance issues and has failed to achieve compliance with the permit, Ohio EPA will pursue enforcement.

Comment 15: “Are you going to use the water once then put it in a holding pond to cool, and then pump it in the ditch?”

Response 15: All water in the retention pond will be discharged into Rock Swale Ditch. The NPDES permit has limits based on the end of pipe water quality standards, which are the most stringent limits for this permit.

Comment 16: “If so why don’t you filter it and re use it?”

Response 16: The anti-degradation application was reviewed during the writing of the draft permit to include an evaluation of the different options

Comment 17: “Are you planning on using waste from the sewage plant, west of Whirlpool?”

Response 17: No, there is no such a plan.

Comment 18: “How will this, if done affect our air we breathe & the smell?”

Response 18: Ohio EPA’s Division of Air Pollution Control will regulate the air quality associated with this ethanol plant. The air permit for the ethanol plant was developed in accordance with air pollution rules and regulations which protect public health over the short- and long-term.

Comment 19: “Will the source water for the plant be from groundwater or surface water?”

Response 19: Marion Ethanol is currently in contract negotiations with OWAC to supply all water demands at the facility (process and domestic needs). OAWC uses both groundwater and surface water sources.

Comment 20: “What effects on the local water supply are anticipated?”

Response 20: See response to comment #6.

Comment 21: “Since some of the discharge may be from non-process wastewater including cooling water, reverse osmosis or softener reject water, boiler blow down water and cooling water blow down water. Will these discharges be regulated for toxicity, conductivity, sodium, chlorides and nutrients (both nitrogen and phosphorous)?”

Response 21: The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat. The NPDES permit requires toxicity testing twice a year for Ceriodaphnia dubia and Pimephales promelas, which are pollutant intolerant species. These testing results will be closely monitored by Ohio EPA to ensure the aquatic life in the streams is protected. The proposed discharge associated with the Marion Ethanol facility is not expected to contain nutrients or cause additional habitat alterations.

Comment 22: “What scale and corrosion inhibitors will be used and will they be monitored in the discharge water?”

Response 22: Ohio EPA's Division of Surface Water does not specifically limit brand name biocides or cooling water additives within the final effluent limitation tables of NPDES permits given the proprietary nature of these products. However, the draft permit does contain a Part II requirement directing the permittee to submit aquatic life toxicity data for every additive or biocide that will be used at the facility prior to its use. Based on the toxicity data submitted, Ohio EPA's Division of Surface Water will develop a site-specific limitation that will be protective of water quality for each product. These site specific limitations will be enforced by issuance of Director's Final Findings and Orders (DFFOs) to permittee. The issuance of each set DFFO's can be appealed to the Environmental Review Appeals Commission (ERAC) should any third party feel aggrieved by the Director's action.

Comment 23: “What biocides will be used and are they being monitored in the discharge water?”

Response 23: See response to comment #22.

Comment 24: “If bleach or any chlorinated or brominated disinfectant is being used, will the residual disinfectant and any disinfectant by-products produced be measured in the discharge stream?”

Response 24: The draft NPDES permit contained an effluent limitation and monitoring requirements for total residual oxidants based on information contained in the permit application. The total residual oxidant parameter was chosen due to the presence

of bromine in the proposed biocides for use in the cooling tower water. The total residual oxidants limit is more restrictive than the chlorine effluent limit.

Comment 25: “Since some of the discharge may be cooling water, has a Legionella Risk Assessment been performed?”

Response 25: See response to comment #22.

Comment 26: “Since some of the discharge will be process wastewater including thin stillage, wash and cleaning water. Will the discharge be evaluated for toxicity, carbonaceous Biochemical Oxygen Demand, biological oxygen demand, total suspended solids, pH, dissolved oxygen, ammonia, and nutrients (both nitrogen and phosphorous)?”

Response 26: The draft permit for the proposed discharge will consist only of non-process water. The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat.

The NPDES permit states “This discharge shall be limited to cooling tower blow down, reverse osmosis reject water, multimedia filter backwash and water softener regeneration water. The discharge of sanitary waste waters and/or process waste waters, clean-in-place waste waters, and waters that come into contact with raw materials, by-products or ethanol are prohibited from this outfall.”

The facility must responsibly conduct all site operations and general housekeeping on site to ensure that all Ohio EPA permits are met and to prevent any conditions that may lead to a pollutant release to the environment. Failure of the facility to operate in a responsible manner will lead to violations of Ohio EPA permits and the possibility of escalated enforcement.

It is our understanding that feed water entering the facility will be treated by a reverse osmosis system. The permeate from the reverse osmosis system is then split and some water is feed to the "ethanol process" and the remaining water becomes non-contact water. Non-contact waters generated by the facility consist of cooling tower blowdown,

boiler blowdown, cooling tower filter backwash, and water softener regenerate. These non-contact waters are mixed with the reverse osmosis reject and discharged from the facility under the NPDES permit. Any water introduced into the "ethanol process" is referred to as contact or "process" water. Process waters generated by the facility and returned to the process include evaporation condensate (distillate), distillation stillage, wet scrubber blowdown, and clean-in-place wash waters of process vessels. These process waters are reused in the facility and will not be discharged under the NPDES permit. Any leachate generated by the storage of wet cake will be recycled into the ethanol process."

Comment 27: "What efforts are being made to reduce, re-use and recycle the wastewater within the facility?"

Response 27: See response to comment # 16.

Comment 28: "Request 30 day extension of comment period for this facility due to the unique nature of effluent being nearly 100 % of water in ditch at any given time, more time needed to evaluate."

Response 28: By the deadline of sending comments, August 15, 2007, the draft permit would have been in public notice for 51 days. Ohio EPA believes enough time has been given for comments to be submitted on the draft permit.

Comment 29: "Will current high and low flow sediment measurements in the Rock Swale Ditch downstream of discharge be required?"

Response 29: The draft permit for the proposed discharge will consist only non-process water. The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat. The proposed discharge associated with the Marion Ethanol facility is not expected to contain nutrients or cause additional habitat alterations. The draft NPDES permit contains both concentration and loading based effluent limitations for total suspended solids to control and limit any solids deposition associated with the discharge.

Comment 30: “Will the State require sediment measurement 4X per year thereafter or if cause?”

Response 30: Please see response to comment #29.

Comment 31: “Will annual reports including complaints, violations and results of any EPA or private monitoring done in the public interest be made available to the public?”

Response 31: The facility is required to submit their correspondence and testing results to Ohio EPA Northwest District Office, where it is available to the public for a file review. All documents listed above are also available to the public.

Comment 32: “If the plant supplies DDGS feedstock to the local factory farms (CAFOS) either permitted or non-permitted (within 25 mile radius) then the resultant increase in nutrient loading of waterways from land app of manure should be taken into consideration and a revised permit with public comment period required.”

Response 32: DDGS are high in phosphorus, which can lead to a higher level of phosphorus in manure if fed to livestock. The livestock farms receiving the DDGS will be responsible for managing the manure produced at their facilities appropriately either in accordance with United States Department of Agriculture-Natural Resources Conservation Service (USDA-NRCS) best management practices for unpermitted farms or in accordance with their permit issued by Ohio EPA and/or Ohio Department of Agriculture.

It should be noted that it is the livestock facility or individual receiving manure from the facility that is responsible for proper management to minimize impacts to surface waters, not the ethanol plant, therefore the permit does not need to be revised.

Comment 33: “What steps will be taken to deal with resultant erosion from increased flow in a ditch that is now primarily a “dry ditch?”

Response 33: Ohio EPA’s permit review process does not consider flooding/erosion issue and the ditch maintenance. The Marion County Engineer handles these issues.

Comment 34: **“What steps will be taken to protect private landowners, whose property the Rock Swale Ditch flows thru, from degradation?”**

Response 34: The draft permit for the proposed discharge will consist only of non-process water. The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat. The NPDES permit requires toxicity testing twice a year for Ceriodaphnia dubia and Pimephales promelas, which are pollutant intolerant species. These testing results will be closely monitored by the Ohio EPA to ensure the aquatic life in the streams is protected. The proposed discharge associated with the Marion Ethanol facility is not expected to contain nutrients or cause additional habitat alterations. The NPDES permit requires that the wastewater discharged to Rock Swale Ditch be tested for pollutants, metals and trace minerals as required by Ohio EPA rules and regulations. The NPDES permit has limits based on the end of pipe water quality standards, which are the most stringent limits for this permit.

Comment 35: **“It is my opinion that calculations provided are incorrect and fail to follow the laws of the state of Ohio. Based upon reports from a plant in Iowa, multiple types of aldehydes contained in water.”**

Response 35: Ohio EPA is authorized by the Federal Environmental Protection Agency to administer the Clean Water Act in the State of Ohio. Ohio received this delegation based on the rules and regulations that the State of Ohio adopted to bring waters of the State into compliance with the Clean Water Act. Ohio EPA writes the NPDES permit for the facility in accordance with these rules and regulations and based on information provided to Ohio EPA by the facility. The NPDES permit requires toxicity testing twice a year for Ceriodaphnia dubia and Pimephales promelas, which are pollutant intolerant species. The NPDES permit has limits based on the end of pipe water quality standards, which are the most stringent limits for this permit.

The sample result as reported for the facility in Iowa may contain multiple types of aldehydes in the water. The Ohio EPA’s Division of Surface Water does not specifically limit brand name biocides or cooling water additives within the

final effluent limitation tables of NPDES permits given the proprietary nature of these products. However, the draft permit does contain a Part II requirement directing the permittee to submit aquatic life toxicity data for every additive or biocide that will be used at the facility prior to its use. Based on the toxicity data submitted, Ohio EPA's Division of Surface Water will develop a site-specific limitation that will be protective of water quality for each product. These site-specific limitations will be enforced by issuance of Director's Final Findings and Orders (DFFOs) to permittee. The issuance of each set DFFO's can be appealed to the Environmental Review Appeals Commission (ERAC) should any third party feel aggrieved by the Director's action.

Comment 36: **"It is my opinion that the stated discharge in the proposed permit do not meet the discharge standards."**

Response 36: Please see response to comment #35.

Comment 37: **"What are the constituents of the wastewater being discharged? Is the watershed capable of handling this additional load of any given pollutants?"**

Response 37: The Ohio wastewater (NPDES) permit contains a list of pollutants required to be sampled for by Marion Ethanol. The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat. The NPDES permit requires toxicity testing twice a year for *Ceriodaphnia dubia* and *Pimephales promelas*, which are pollutant intolerant species. These testing results will be closely monitored by the Ohio EPA to ensure the aquatic life in the streams is protected. The NPDES permit also has limits based on the end-of-pipe water quality standards, which are the most stringent limits for this permit. The proposed discharge associated with the Marion Ethanol facility is not expected to contain nutrients or cause additional habitat alterations.

Comment 38: **"What is the impact on the integrity of downstream uses? The Little Scioto River watershed, which is non-attainment, should there not be a prohibition on such discharges until the agency has completed a Total Maximum Daily Load allocation for the watershed?"**

Response 38: Ohio received this delegation based on the rules and regulations that the State of Ohio adopted to bring waters in the State of Ohio into compliance with the Clean Water Act. Ohio EPA writes the NPDES permit for the facility in accordance with these rules and regulations and based on information provided to Ohio EPA by the facility. The NPDES permit requires toxicity testing twice a year for Ceriodaphnia dubia and Pimephales promelas, which are pollutant intolerant species. The NPDES permit has limits based on the end of pipe water quality standards, which are the most stringent limits for this permit. The facility must responsibly conduct all site operations and general housekeeping on site to ensure that all EPA permits are met and to prevent any conditions that may lead to a pollutant release to the environment. Failure of the facility to operate in a responsible manner will lead to violations of Ohio EPA permits and the possibility of escalated enforcement.

Comment 39: “With the amount of wastewater discharged into a low capacity ditch, has the agency considered the impact downstream in terms of drainage and flood control?”

Response 39: Ohio EPA’s permit review process does not consider flooding/drainage and ditch maintenance issues. The Marion County Engineer handles these issues.

Comment 40: “Thermal pollution is an important issue here - especially in ag ditch areas where algae growth is high, has the agency taken this into consideration as the effluent will never be, if I read the report correctly, below 40 degrees and this does also present a concern for effluent over spilling ice damming downstream and degradation of private and public property, had this been evaluated?”

Response 40: The facility believes that the correct discharge limitations for water temperature should be:

Summer: Maximum 85 F, Monthly 82 F
Winter: Maximum 49 F, Monthly 44 F

The draft NPDES permit has temperature requirement per Ohio Water Quality Standard.

Comment 41: “It’s my understanding that even if we were to take tap water out of the water fountain in this building in a high enough quantity and want to discharge it in this stream, that we would still need a permit - discharge permit from your agency; is that correct?”

Response 41: Yes, by law all discharges are required to be covered under the NPDES permit.

Comment 42: “And the other thing that was brought up by someone tonight was the fact that whether or not we could have maybe more than one ethanol plant come in this county and our position would be, a planning commission, we don’t know if there would be more than one come here.”

Response 42: Ohio EPA does not have the authority to regulate commerce and/or where these ethanol plants should be located.

Comment 43: “We don’t know if tomorrow someone might walk in and say – look at Marion County and say, gee, we want to have a brewery here or a food processing plant. We just don’t know at this time. And so we ask that you look at this - these one at a time, as I think from you comments, you’re inclined to look as these one at a time.”

Response 43: Ohio EPA reviews each permit application as it is submitted.

Comment 44: “And the final thing is, as far as the comment made downstream, I guess, the Little Scioto, there’s - - drinking water comes from this, that’s true. But it’s treated drinking water. It’s not drinking water taken right out of the stream.”

Response 44: Yes. Water drawn from the Little Scioto River is treated at the OAWC-Marion Water Treatment Plant before being released to the distribution system.

Comment 45: “My primary concerns are pollution. In other words, as you can gather from my questions I gave you, my research in tracking this stuff down, pollution is the biggest problem that the ethanol plants have. Either - - because it cuts across all the - all the air, water, land, the whole ball of wax.

“So pollution is going to be biggest problem we have here and the wastewater treatment here is going to go into the river and eventually, into the ocean and all the way.”

Response 45: Ohio EPA’s Division of Air Pollution Control will regulate the air quality associated with this ethanol plant. The air permit for the ethanol plant was developed in accordance with air pollution rules and regulations which protect public health over the short- and long-term.

Ohio EPA’s Division of Surface Water is authorized by the Federal Environmental Protection Agency to administer the Clean Water Act in the State of Ohio. Ohio received this delegation based on the rules and regulations that the State of Ohio adopted to bring waters of the State into compliance with the Clean Water Act.

Comment 46: “What my problem is: How many people are involved in checking the plants for compliance? Do you have somebody come out from Columbus? Is there somebody assigned in Marion? Is there somebody in Marion County? How do you propose who comes here to check what needed checked?”

Response 46: Should the permit be approved, there is at least one district staff member from each Ohio EPA program division being assigned to Marion County to will handle Marion Ethanol LLC. Personnel from Ohio EPA’s Central Office also are coordinating this project. Please see Ohio EPA’s Web site at <http://www.epa.state.oh.us> for the staff county assignments.

To be in compliance with the Ohio wastewater (NPDES) permit the facility is required to sample the wastewater and storm water as specified in the permit. Some of the parameters contained in the permit are monitored daily while others are monitored semiannually. This information is reported to Ohio EPA in the Monthly Operating Report that the facility is required to submit under their NPDES permit. Based on this information and compliance inspections that we conduct at the facility, Ohio EPA will determine the compliance status of the facility. Ohio EPA will work with the facility to come into compliance, however, if the facility is not adequately addressing compliance issues and has failed to

achieve compliance with the permit, Ohio EPA will pursue enforcement.

Comment 47: “So that’s my problem, if they have a non-conformity, how long does it take for them to correct it? In my research in Iowa, there’s eleven plants that had something like 397 violations, just on eleven plants, in six years. And that’s quite a few violations.

So I think that’s what we should consider in this application is: What are they going to do to correct problems if there is a problem?”

Response 47: Your research on ethanol plants in Iowa may be of concern. To be in compliance with the Ohio wastewater (NPDES) permit, the facility is required to sample the wastewater and storm water as specified in the permit. Some of the parameters contained in the permit are monitored daily while others are monitored semiannually. This information is reported to the Ohio EPA in the Monthly Operating Report that the facility is required to submit under its NPDES permit. Based on this information and compliance inspections that Ohio EPA conducts at the facility, the Agency will determine the compliance status of the facility. Ohio EPA will work with the facility to come into compliance, however, if the facility is not adequately addressing compliance issues and has failed to achieve compliance with the permit, Ohio EPA will pursue enforcement.

Comment 48: “The name of the proposed facility has been changed from Marion Ethanol, LLC to Poet Biorefining - Marion. The facility name has been changed as part of Broin, the project developer, changing its name to POET and renaming its various operations to maintain a consistent market and brand presence.”

Response 48: Ohio EPA will make changes as requested.

Comment 49: “Please change the name and address of POET’s contact person for this NPDES permit to the following:

**Erin Heupel
POET Design & Construction
4615 North Lewis Avenue
Sioux Falls, SD 57104”**

Response 49: Ohio EPA will make the change as requested.

Comment 50: “Page 1, Paragraph 1 of the draft permit states ‘... Broin Management, LLC is authorized by Ohio Environmental Protection Agency...’ ENSR requests that ‘Broin Management, LLC’ be revised to ‘POET Plant Management.’”

Response 50: Ohio EPA will make the name change to POET Plant Management.

Comment 51: “Page 2, Part I, A: Table - Final Outfall 001 - Final The table specifies that the facility monitor for phosphorous, arsenic, iron, barium, nickel, silver, zinc, cadmium, lead, chromium and copper once per month (1/month). The proposed facility will not add any of these components to its effluent discharge as part of the process. Rather, facility operation of reverse osmosis and cooling towers will concentrate levels of these components occurring in the make-up water source (City of Marion) and the levels of these components in the facility’s effluent should be relatively stable over time. Therefore, ENSR requests that the measuring frequency for phosphorous, arsenic, iron, barium, nickel, silver, zinc, cadmium, lead, chromium and copper be revised, ‘i/month for the first 6 months after commencing facility operations and 1/semi-annually thereafter.’”

Response 51: Ohio EPA will evaluate this request to reduce the monitoring frequency in the next permit cycle.

Comment 52: “Page 2 and Page 5, Part I, A; Part II, A Part II, A identifies the outfall for the final effluent as 2IF00025001 - Discharge of final effluent the retention pond prior to entering Rock Swale Ditch (Lat: 40N 37' 21"; Long: 83W 9' 35") and does not identify a separate storm water outfall. The identification of a single outfall appears to incorrectly imply that the Marion facility will continuously discharge the final effluent of facility operations to the on-site storm water pond. The Marion facility proposed that during normal operations, the final effluent will be discharged via an enclosed pipe directly to Rock Swale Ditch, which passes through the

proposed project area. However, during periods when the non-contact waste water requires additional thermal moderation to comply with Ohio water Quality standards for temperature, the facility is proposing to direct the final effluent stream to a storm water detention pond which would then overflow to Rock Swale Ditch via a second outfall.

“POET typically prefers to monitor its final effluent discharge from a location prior to leaving the facility buildings. Therefore, ENSR requests that the final effluent monitoring point be revised to read ‘Discharge of final effluent at sampling station prior to entering the unnamed tributary of Rock Swale Ditch or to the onsite storm water pond’. In addition, it appears that a separate storm water monitoring point and associated conditions should be added to the permit to address storm water outfall.”

Response 52: Ohio EPA will add a second outfall (002) for the discharge of the final effluent (going through the storm water pond) prior to entering the Rock Swale Ditch. This second outfall will have the same test parameters as outfall 001.

Comment 53: “This condition requires that the facility obtain written approval for use of cooling water and boiler water additives at the facility. ENSR noted that the draft NPDES permit does not contain any information regarding the proposed water treatment additives included in the facility NPDES permit application. Will the approval be issued from the Division of Surface Water, Water Resources Management Section under separate cover based on previously submitted information?”

Response 53: Please see response to comment #22.

**Comment 54: “Page 12, Part II, Section M
The draft permit conditions specifies that : ‘As soon as possible but not later than six months after the effective date of this permit, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from Outfall 2IF00025901.’**

“The facility is not scheduled to begin operation until sometime during the later summer or fall of 2008. Therefore, it is very likely that this NPDES permit will be issued more than six month before the facility and outfall become operational. In order to comply with the intent of this condition, ENSR is proposing that Part II, Section L be revised to read: ‘As soon as possible but not later than six months after the facility begins operations, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall 2IF00025001.’”

Response 54: Ohio EPA will make the change as requested.

Comment 55: “Page 25, Part IV, A.1.a This condition requires that a storm water pollution prevention plan (SWPPP) be prepared within six months after the effective date of this permit. As discussed previously in this letter, the facility is not scheduled to begin operation until sometime during the later summer or fall of 2008. Therefore, it is very likely that this NPDES permit will be issued more than six month before the facility and outfall commence operation. In order to comply with the intent of this condition, ENSR requests this condition be changed to the following: ‘shall be prepared prior to commencing operations (and updated as appropriate).’”

Response 55: Ohio EPA will make the change as requested.

End of Response to Comments