



## Response to Comments

**Project: POET Ethanol – Fostoria , formerly Fostoria Ethanol, LLC, draft NPDES permit  
Ohio EPA ID #2IF00026\*AD/OH0138878**

### Agency Contacts for this Project

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On June 26, 2007, Ohio EPA public noticed a draft National Pollutant Discharge Elimination System (NPDES) permit for the proposed Fostoria Ethanol production facility located at part of the W ½ of Section 33, T-3N, R-13E and part of the NW 1/4 of Section 4, T-2N, R-13E, (southwest of the intersection of State Route 12 (Sandusky Street) and Township Road 47 (Yokum Road)), Fostoria, Seneca County, Ohio.

Ohio EPA also scheduled a public hearing, held on August 9, 2007, at the Fostoria 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:**           **“I don’t want to see the Muskellunge become a trap for everything else. ...the ditch is about two or three feet deep and continues that way for the greatest length of time. It is not even really a creek; it’s full of weeds, it’s full of growth, things of this nature, and it stops the water and helps back it up. Any little drainage the flow into it is going to be stopped with excess water coming into it.”**

Response 1: Ohio EPA's permit review process does not consider flooding, drainage, erosion and ditch maintenance issues. The Seneca County Engineers Office typically handles these issues. The City of Fostoria, Seneca County Engineers Office and Ohio Department of Transportation (ODOT) are currently working with POET to address these issues.

**Comment 2: "My biggest concern is today, with the high water. It was four inches from topping the banks and going over the bank next to my driveway. If this 185,000 gallons of water went in yesterday and goes in today, I'm over the banks. My house floods."**

Response 2: Ohio EPA's permit review process does not consider flooding, drainage, erosion and ditch maintenance issues. The Seneca County Engineers Office typically handles these issues. The City of Fostoria, Seneca County Engineers Office and Ohio Department of Transportation (ODOT) are currently working with POET to address these issues.

**Comment 3: "What steps are going to be taken to deal with the resultant erosion from the increased flow of water into the Muskellunge Creek?"**

Response 3: Please see response to comments # 1.

**Comment 4: "We believe that the volume of water being discharged will be too much for the Muskellunge to handle."**

Response 4: Please see response to comment #1.

**Comment 5: "I know the site of that ditch for over thirty years, and 185,000 gallons of water a day, that ditch won't take it."**

Response 5: Please see response to comment # 1.

**Comment 6: "If evenly distributed, what effect will it have on the volume of water the stream carries, especially during flood stages? "**

Response 6: Please see response to comment # 1.

**Comment 7: "You know, it's not drinkable, it's contaminating the little ditch, it's overwrought with weeds, and I'm concerned that the wells along this ditch that was**

**drinking water will now be contaminated by the water that's being poured into it."**

Response 7: The Ohio Department of Natural Resources (ODNR) administers the Ohio rules and regulations that apply to wells and ground water. The contact for this site is Jim Raab, ODNR, Division of Water. He can be reached at 2045 Morse Road, Columbus, Ohio 43229, at (614) 265-6747 or at jim.raab@dnr.state.oh.us.

**Comment 8: "There is a lot of erosion going on right now. The ditch is not as deep as what it used to be. What is going to happen to the wildlife and the purity of the water that we have got, you know, now? Is it going to get any worse? Is it going to get any better?"**

Response 8: The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat and human health. The NPDES permit requires toxicity testing twice a year for pollutant intolerant species. These testing results will be closely monitored by the Ohio EPA to ensure the aquatic life in the stream is protected. The NPDES permit also requires that the wastewater discharged to the unnamed tributary to Muskellunge Creek be tested for pollutants, metals, and trace minerals as required by Ohio EPA rules and regulations.

**Comment 9: "What steps will be taken to protect private landowners, whose property the creek flows thru, from degradation?"**

Response 9: Please see response to comments # 1, 7 & 8.

**Comment 10: "Will current high and low flow sediment measurements in the creek downstream of discharge be required?"**

Response 10: The draft permit for the proposed discharge will consist of non-process water only. The NPDES permit incorporates permit limitations based on the Ohio rules and regulations, which were promulgated to be protective of the aquatic habitat and human health. The proposed discharge associated with the Fostoria 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 11:** “What is the water quality being discharged into the stream?”

Response 11: Please see response to comment #8 & #10.

**Comment 12:** “The water issue in regards to the ethanol plan is a city problem. I don’t want the wastewater from the plant to be spill off affecting the water levels of the surrounding townships and counties. The waste waters from the ethanol plan should be funneled to the city water supply”

Response 12: The sanitary sewerage from this facility will discharge to Fostoria’s sewerage system for treatment. Also see response to comment # 8 & #10.

**Comment 13:** “Will the state require sediment measurements 4X per year thereafter downstream in the creek and not at the point of discharge, and if there is reasonable cause during the year?”

Response 13: Please see response to comment # 10.

**Comment 14:** “What will keep that water from contaminating my well?”

Response 14: This is an NPDES draft permit for the proposed surface discharge from the Fostoria Ethanol plant.

**Comment 15:** “I would like to request a thirty-day extension for the comment period for this facility.”

Response 15: By the deadline of sending comments, August 16, 2007, the draft permit would have been in public notice for 51 days. The Ohio EPA believes enough time has been given for comments to be submitted on the draft permit.

**Comment 16:** “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 16: The facility is required to submit their correspondence and testing results to the 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 17: “If the plant supplies DDGS feedstock to local factory farms (CAFOs) either permitted or non-permitted (within 25 mile radius) then the resultant increase in nutrient loading of waterways from land application of manure should be taken into consideration and a revised permit with public comment period required?”**

Response 17: 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 18: “It is my opinion that the 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 18: The 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 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 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, DSW 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 19:** "It is my opinion that the stated discharge in the proposed permit do not meet the discharge standards."

Response 19: Please see response to comment #18.

**Comment 20:** "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."

Response 20: The draft NPDES permit has temperature requirement per Ohio Water Quality Standard as follows:

Summer: Maximum 85°F, Monthly 82°F

Winter: Maximum 65°F, Monthly 60°F"

Note: The draft permit will include the following changes:

\*Temperature from "°C" to "°F".

\*The temperature limits will also be added to the stormwater pond outfall permit requirements (page 4) Table- Final Outfall -002 - Final.

**Comment 21:** “What is the temperature of the discharged water?”

Response 21: Please see response to comment # 20.

**Comment 22:** “Concern with blasting and potential for cracks in well casings leading to increased risk of contamination.”

Response 22: Ohio EPA’s permit review process does not consider blasting issues. This issue should be addressed to your local governments, such as the City, County and local Township Trustees. Also see response to comment #7.

**Comment 23:** “We request that the reviewing committee, the agency that’s in charge of it, take a look at those aspects to please consider the thermal pollution downstream from the discharge location. We are concerned that in the review process there has not been a mention of the requirement of importance of the affect of the thermal pollution from the discharge point.”

Response 23: Please see response to comment #20.

**Comment 24:** “I would ask that the resultant increase of nutrient load of the waterways from the land application of the waste from the feeding operations be taken into consideration in this reviewing process, and that a revised permit with an additional public comment period be added to the process.”

Response 24: Please see response to comments #15 & #17.

**Comment 25:** “We believe that the discharged water will contaminate the underground drinking wells.”

Response 25: Please see response to comment #7.

**Comment 26:** “I have seen flooding quite frequently and cannot imagine what another 185,000 gpd would be like when added to a flooded situation. We believe Poet has a responsibility to check these ditches to see if they can handle the extra water.”

- Response 26: POET is working with the City of Fostoria and Seneca County Engineers Office to address these issues. Also see response to comment #1.
- Comment 27: “The City of Fostoria should accept the responsibility of disposing of the discharge.”**
- Response 27: The sanitary sewerage from this facility will discharge to Fostoria’s sewerage system for treatment. The water being discharged to the tributary of Muskellunge Creek is non-contact cooling water and reverse osmosis reject water. The concern with it will be the level of dissolved solids and the temperature. There is a limit for both of these parameters, which is protective of human health and aquatic life. Since this is essentially "clean water" we do not like for this type of water to be discharged to a City sewer system where it would be taking up treatment capacity. Ethanol facilities recycle their water as much possible.
- Comment 28: “We believe the discharge will cause an imbalance in the eco system.”**
- Response 28: Please see response to comment #8 & #10.
- Comment 29: “I don’t think it’s right for the Ethanol plant to send it’s waste water down in the ditch when no one else can do the same with less effect. First the ditch can not handle it. I watch it overflow a couple times a year, runs over and through my back yard & into the neighbors yard, sometime lays there & sometimes on around my house it will not handle more water dredging it won’t do any good.”**
- Response 29: Please see response to comment #1 & #27.
- Comment 30: “Eventually it will make it into my well then what?”**
- Response 30: This is a NPDES draft permit for the proposed surface discharge from the Fostoria Ethanol plant. Please see response to comment #1, #7 & #8.
- Comment 31: “I think the City of Fostoria should take the sewage.”**
- Response 31: The sanitary sewerage from this facility will discharge to Fostoria’s sewerage system for treatment.

**Comment 32:**        **“City of Fostoria will never be able to handle giving that much water.”**

Response 32:        It is our understanding that POET is working with the City of Fostoria for all water demands at the facility (process and domestic needs). The Ohio EPA Division of Drinking and Groundwater (DDAGW) would become involved when applications are received regarding the installation of water lines and/or potential upgrades to the water treatment plant. The agency does look to see if the source of water supply (i.e. water treatment plant, wells, etc.) is capable of supplying the extra water demand.

**Comment 33:**        **“Living on St. Rt.12 we already experience numerous semis travel back and forth to the mixing center. We can hardly imagine what the air and traffic will be like when hundreds of grain trucks start rolling by! Breathing problems already exist in our home. Do you now require our grandchildren who visit frequently to also be exposed?”**

Response 33:        Ohio EPA’s permit review process does not consider an increase in truck or train traffic. This issue should be addressed to your local governments, such as the county and local township trustees.

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

**Comment 34:**        **“The chemical cloud that will be produced will also pollute the air.”**

Response 34:        Ohio EPA’s Division of Air Pollution Control will regulate the air quality associated with this ethanol plant.

**Comment 35:**        **“We use well water which more than likely will contain elements hazardous to our health and safety due to the proposed wastewater discharge to public waterways.”**

Response 35:        This is a NPDES draft permit for the proposed surface discharge from the Fostoria Ethanol plant. Also see response to comment # 8 & #10.

**Comment 36:** “First I would like to ask, do we even have one place in northwest Ohio with pump E85?”

Response 36: Yes (web sites are available that list locations)

**Comment 37:** “The name of the proposed facility has been changed from Fostoria Ethanol, LLC to POET Biorefining - Fostoria. 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 37: The Ohio EPA will make changes as requested.

**Comment 38:** “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 38: The Ohio EPA will make changes as requested.

**Comment 39:** “Page 1, paragraph 1: The draft permit states ‘...Broin Management, LLC is authorized by the Ohio Environmental Protection Agency...’ ENSR requests that ‘Broin Management, LLC’ be revised to ‘POET Plant Management’.”

Response 39: The Ohio EPA will make the name change to POET Plant Management - Fostoria.

**Comment 40:** “Page 2, Part I, A: Table - Final Outfall - 001 - Final: The table specifies that the facility monitor for phosphorus, 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 naturally occurring in the make-up water source (City of Fostoria) and the levels of these components occurring in the facility’s effluent should be relatively stable over time. Therefore, INSR requests that the measuring frequency for phosphorous, arsenic, iron, barium nickel, silver,

**zinc, cadmium, lead, chromium, and copper be revised to 1/month for the first 6 months after commencing facility operations and 1/semi-annually thereafter’.”**

Response 40: Ohio EPA will evaluate this request to reduce the monitoring frequency in the next permit cycle.

**Comment 41: “Page 2, Part I, A Table - Final Outfall -001 - Final: The draft permit requires the facility monitor non-contact effluent at the end of the discharge pipe to the unnamed tributary to Muskellunge Creek (2IF00026001) or in the event the facility is discharging to the onsite storm water retention pond monitor the Final effluent prior to discharging to the storm water pond (2IF00026601). The parameters and monitoring frequency are the same for both outfalls. POET typically prefers to monitor its effluent discharge from a location prior to leaving the facility buildings. Therefore, to simplify the permit while retaining the same level of protection of the environment, ENSR requests the draft permit be revised to monitor the final effluent at a single location before the effluent leaves the facility buildings by making the following changes:**

- **Revise Final Outfall 001 (2IF00026001) to read ‘Discharge of final effluent at sampling station prior to entering the unnamed tributary of Muskellunge Creek or to the onsite storm water pond’ on Page 9, Part II, A.;**
- **Remove ‘Table - Internal Monitoring Station - 601-Final’ (Pages 6 and 7) from the permit.; and**
- **Remove ‘2IF00026601 Internal Monitoring Station - discharge of final effluent prior to discharging to the storm water pond’ from Page 9, Part II, A. “**

Response 41: The requested changes as indicated above will not be made. The sampling location for outfalls 001 and 601 can be the same location. The 601 outfall, which has the same monitoring parameters and limits as outfall 001, will be used to distinguish when the flow has been diverted to discharge through the pond.

Page 9, Part II, A, language will be changed to  
“2IF00026601 Internal Monitoring Station - discharge of final effluent prior to discharging to the storm water pond (same location as outfall 001).”

**Comment 42:** “Page 9, Part II, D: 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 the previously submitted information?”

Response 42: As indicated in Part II, D, a separate request for written approval for use of cooling water or boiler water treatment additives that are discharged to surface waters of the state, must be submitted to Ohio EPA, Central Office, Division of Surface Water, Water Resources Management Section. The Water Resources Management Section is to be contacted regarding the reporting and testing requirements to apply for permission to use additives. Based on the toxicity data submitted, Ohio EPA, DSW 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 43:** “Page 9, Part II, E: This condition requires that the facility monitor the discharge from the storm water pond (2IF00026002) once per month between 30 and 60 minutes following the start of any one rainfall event. However, Part I, A, Table - Final Outfall - 002- Final specifies that oil and grease will be monitored quarterly. ENSR requests that the first sentence be revised to read: ‘Oil and grease shall be monitored once per month at monitoring station number 2IF00026002.’

**The stormwater discharge facility will be directed to a stormwater retention pond prior to discharge and it is**

**likely that a rainfall event will occur that will not result in a discharge event. Therefore, ENSR requests that the second sentence be revised to read, "This sample shall be collected between 30 and 60 minutes following the start of discharge from any one rainfall event...."**

**The third sentence states: "In the event of multiple rainfall events during one sampling period, the permittee shall sample only the first of such rainfall events." ENSR believes that this condition is overly restrictive. Under the current condition, the facility would be in violation if it missed sampling the first rainfall event of the month. ENSR requests that the statement be changes to "In the event of multiple rainfall events during one sampling period, the permittee is required t sample only one of such rainfall events.**

**The last sentence requires that a sample be taken if a measurable rainfall event does not occur. However, no location is specified for a sample event under this condition ENSR requests that this section be revised to state "In the event that no measurable rainfall event occurs during the month, no sample is required."**

Response 43:

The Ohio EPA has considered the requested changes as follows:

To conform with the 'Oil and Grease' sampling requirement Part I, A., Table - Final Outfall -002-Final, Page 9, Part II, E., will be changed to: "Oil and grease shall be monitored once per quarter at monitoring station number 2IF00026002...."

The permit will be changed to read: "This sample shall be collected between 30 and 60 minutes following the start of discharge from any one rainfall event...."

The following will not be changed: "In the event of multiple rainfall events during one sampling period, the permittee shall sample only the first of such rainfall events." Because of the unpredictable nature of rain fall events per sampling period, the requirement to sample the first event assures that samples will be collected should there be no further rainfall events in the sampling period.

The last sentence will be removed.

**Comment 44:** “Page 10, Part II, Section H: ENSR requests that the word ‘sewage’ be replaced by the word ‘effluent’ in the first sentence of Section H. ENSR believes that the use of the word ‘sewage’ in the NPDES permit carries a connotation that misconstrues the discharge operations proposed at the facility.”

Response 44: The Ohio EPA will make changes as requested.

**Comment 45:** “Page 12, Part II, Section M: The draft permit conditions specifies that : ‘As soon as possible but not later than three 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 2IF00026001.’

The facility is not scheduled to begin operation until sometime during the late summer or fall of 2008. Therefore, it is very likely that this NPDES permit will be issued more than 90 days before the facility and outfall become operational. In order to comply with the intent of this condition, ENSR is proposing that Part II, Section M be revised to read: ‘As soon as possible but not later than three months after the facility begins operations, the entity shall initiate an effluent biomonitoring program to determine the toxicity of the effluent from outfall 2IF00026001.’”

Response 45: The Ohio EPA will make changes as requested.

**Comment 46:** “Page 25, Part IV, A.1.a This condition requires that a storm water pollution prevention plan (SWPPP) be prepared within six months of the effective date of this permit. As discussed previously in this letter, the facility is not scheduled to begin operation until sometime during the late summer or fall of 2008. Therefore, it is very likely that this NPDES permit will be issued more than six months 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 46: The Ohio EPA will make changes as requested.

**End of Response to Comments**