



State of Ohio Environmental Protection Agency

**Northwest District Office**

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Erie County  
Erie Materials, Inc.  
Premise #0322020211  
Notice of Violation  
HPV - GC3, GC6, GC7, GC9

November 3, 2010

CERTIFIED MAIL

Mr. Robert Boehk  
General Counsel  
Erie Materials, Inc.  
P.O. Box 2308  
4507 Tiffin Avenue  
Sandusky, Ohio 44871

Dear Mr. Boehk:

This letter shall serve as a follow-up to the site visit on October 13, 2010, at the Erie Materials, Inc. (EMI) facility located at 4507 Tiffin Avenue. The purpose of the partial compliance evaluation (records review) was to determine the compliance status of all air contaminant sources at this location with the applicable rules.

Based on my discussions with you and review of the records submitted, the findings are as follows:

1. EMI currently operates a crushing/grinding unit with an associated engine (company description is "MaxiGrind", 425 horsepower diesel-fired engine, 75 tons per hour throughput). The purpose of this unit is to process reclaimed asphalt pavement (RAP) or shingles. It has been determined by an inspection conducted by Mr. Brian Riedmaier on July 13, 2010 that this emissions unit is currently unpermitted. The operation of this emissions unit began in 1995. Therefore, this is a violation of Ohio Administrative Code (OAC) rules 3745-31-02 and 3745-35-02 (rescinded on June 30, 2008) as well as Ohio Revised Code (ORC) Section 3704.05.

2. EMI also operates an additional crushing/grinding unit with an associated 600 hp diesel engine (company description is "Large Beast") that is unpermitted. EMI indicated to Mr. Riedmaier that the operation of this emissions unit began in April 2009, and it has been at this location since the beginning. This is a violation of OAC rule 3745-31-02 and ORC section 3704.05.
3. In addition to the two crushing/grinding units indicated above, EMI also operates a 375 hp diesel-fired engine (company description is "Small Beast"). This emissions unit has been in operation since April 1, 1999. A permit application for this emissions unit was submitted on March 30, 2008. A Permit-to-Install and Operate (PTIO) was issued on September 23, 2009. The installation and operation of this emissions unit prior to the issuance of the PTIO is a violation of OAC rules 3745-31-02 and 3745-35-02 (rescinded on June 30, 2008) as well as ORC section 3704.05.
4. EMI stated in a prior conversation with Mr. Riedmaier that all three of the crushing/grinding units are portable emissions units. As such, new premise numbers were created for each unit. However, in discussing this issue with you during the visit, it appears that all three emissions units are stationary and do not qualify as portable units since usage of each will be limited to this site or potentially the asphalt plant on Portland Road. The 600 hp engine has been operating for a year and a half at the facility and has not been moved. There are no data as to the other two grinding operations ever being portable.

It was stated in an e-mail that you sent to me on October 15 (after the visit) that "You also requested information regarding location and magnitude of operation of Erie's three (3) grinders – the Maxi Grinder, Beast 1 and Beast 2. This information goes back as far as the mid-nineties in the case of the Maxi Grinder and is fairly voluminous." Contrary to that statement and in response to the NOV letter dated September 10, 2010, you indicated to Mr. Riedmaier that "in response to your request for detailed information on the Maxi Grind unit's operation since 1995, we do not have such records."

It is requested that EMI submit sufficient information as to the reason why any of the crushing/grinding units should be considered portable, to correctly classify the status of each and rectify this matter.

5. In follow-up to the NOV letter dated August 18, 2010 and as a supplement to the information in #4 above, EMI has operated three crushing/grinding units at the site without permits, giving rise to the fact that the facility-wide emissions are (and have been) in excess of Title V thresholds. Therefore, EMI is in violation of not having submitted a Title V permit application by October 27, 2009 in accordance with OAC rule 3745-77-02 and ORC section 3704.05.

6. The aggregate processing plant (crushing, screening and conveying operations identified as emissions unit F001) was first issued a Permit to Install (PTI) on June 21, 1989 (PTI #03-4226). A PTI (#03-8354) was issued on December 7, 1994, superseding the previous permit for this operation. EMI is limited to processing 63,000 tons of aggregate per month and 420,000 tons of aggregate per rolling 12-month period. As stated in the additional special terms and conditions (#2) of the PTI, EMI shall maintain records which document the quantity of crushed stone processed in Ohio EPA source # F001 on a monthly and rolling twelve month basis. Furthermore, these records shall be retained in the company's files for a period of not less than three years and shall be made available to the Ohio EPA upon request for review during normal business hours. Records of the monthly and 12-month rolling totals were requested during the inspection. The records reviewed showed how much was produced during a certain period of time. The information does not comply with the additional special terms and conditions in the PTI. Therefore, EMI is in violation of not complying with the additional special terms and conditions (#1 and #2) in the PTI as well as in violation of ORC section 3704.05.

In addition, EMI is required to submit annual reports by no later than January 15 of each year as stated in the Permit to Operate (PTO) issued May 16, 1995. This reporting requirement has not been met since the PTO was issued. Therefore, EMI is in violation of the PTO reporting requirements as well as ORC section 3704.05.

7. The storage piles, identified as emissions unit F002, are permitted under PTI #03-17460 issued final on September 23, 2009. Since data was not provided during the visit or afterwards demonstrating compliance with the monitoring and recordkeeping requirements (terms and conditions d)(1) through d)(7)), EMI is found in violation of those requirements as well as ORC section 3704.05.
8. The roadways and parking areas, identified as emissions unit F003, are permitted under a PTO issued final on August 18, 1995. Records were requested for review. The information was provided in the e-mail on October 15. In reviewing those records, the determination is that the facility is in violation of the monitoring and recordkeeping requirements in the PTO, as explained below. The incomplete records that were supplied (weeks of 10/27/2008, 11/3/2008, 5/11/2009, 5/18/2009, 5/24/2010, 6/14/2010, 8/2/2010, 9/6/2010, 10/11/2010) demonstrate that the minimum information necessary is missing from the weekly reports.

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The violation stems from not complying with term and condition #6 in the PTO that requires EMI to maintain daily records that contain the following information:

- a. the amount of precipitation that has occurred;
- b. the number of hours the plant was in operation;
- c. the number of hours that water was applied;
- d. the amount of water applied;
- e. the locations at which water was applied;
- f. the dates of application of dust suppressant (other than water);
- g. the type of suppressant;
- h. the amount of suppressant applied; and
- i. the locations at which the suppressant was applied.

In addition to that, you sent another e-mail dated October 20 stating that the remainder of the reports is at the office. But, when asked about those reports during the visit, you stated that Endlish Environmental has those records since an audit of the facility is currently being conducted.

The PTO requires that the facility remove tracked dirt from the public roadways. This was an issue since I witnessed significant amounts of dirt tracked onto the public roadways. Even though the facility's paved roadway was watered between 1 and 3 p.m. on the day of the site visit, a significant amount of dirt that was tracked onto the public roadways was not removed. This is a violation of term and condition #5 in the PTO that requires EMI to promptly remove dirt/mud tracked onto public thoroughfares from company roadways. In addition, this is a violation of ORC section 3704.05.

9. The mineral extraction operations identified as emissions unit F004 are permitted under a PTO issued final on December 29, 1995. EMI is required to maintain monthly records and rolling 12-month totals regarding the number of blasts that occur. During the inspection, reports were reviewed from Hilltop Energy, Inc. that document blasts occurring on April 20, May 19, July 15, August 4 and 26 and September 22, 2010. This is the extent of recordkeeping reports. The facility is thereby in violation of not complying with the term and condition #2 in the PTO for not maintaining monthly records of the number of blasts made and also not calculating the rolling 12-month total.

10. EMI submitted information in an e-mail on October 15 pertaining to usage data from the two generators, identified as emissions units P001 and P002, permitted under PTI #03-17460. The information does not comply with the recordkeeping requirements of the PTI because the rolling, 12-month summation of the hours of operation is not maintained. Therefore, EMI is in
11. violation of not complying with the recordkeeping requirements in the PTI as well in violation of ORC section 3704.05. It should also be noted that the rolling averages are incorrectly calculated.

In addition, EMI is in violation of not submitting the quarterly deviation report by the due date for the third quarter of 2009 (submitted November 19, 2009 and was due on 11/02/2009). This is a violation of term and condition e)(1) for emissions units P001, P002 and P003. This is also a violation of ORC section 3704.05. It was noted that the fourth quarter of 2009 deviation report was submitted via Air Services with the wrong premise number identified in the attachment as well as the referenced reporting year. The third quarter of reporting year 2010 was not submitted through premise number 0322020211 but 0322960001. Therefore, this report needs to be submitted in Air Services using the correct premise number.

12. No data has been submitted as of yet to demonstrate compliance with the monitoring and recordkeeping requirements for the 375 hp diesel-fired engine (identified as emissions unit P003). The information to be submitted shall span from April 2008 to the present date and shall contain the information detailed in the PTIO terms and conditions d)(1) through d)(3).
13. In e-mail correspondence after the site visit, the organic emissions from the rotary thermal dryer (emissions unit P901) were brought into question. Currently, EMI submitted a Director's exemption letter to install at least two and as many as nine heated conveyors to enhance operation of P901 (letter dated October 4). Since no emission testing has been conducted on this emissions unit, it is unknown what the organic compound emissions are. This information has been requested by e-mail and is necessary prior to the approval of the Director's letter.
14. As has been addressed in the previous NOV letter, EMI is in violation of failing to conduct stack testing for P901 pursuant to the testing requirements in PTI #03-17399 issued on October 27, 2008, 40 CFR Part 60.92 and ORC section 3704.05.

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15. EMI has failed to submit the annual burner tuning report that is due January 31, 2010. This is a violation of the term and condition [e)(1)e.] in PTIO #P0104292 issued final on August 11, 2009. This is also a violation of ORC section 3704.05.

Please be advised that the submission of information to respond to this letter does not constitute a waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

If you have any questions and/or comments about this letter, please feel free to contact me electronically at [mohammad.smidi@epa.ohio.gov](mailto:mohammad.smidi@epa.ohio.gov) or by phone at (419) 373-3118.

Sincerely,



Mohammad Smidi  
Environmental Specialist  
Division of Air Pollution Control

/lb

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