



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
Premise # 03.22.02.0211
Notice of Violation - HPF

April 30, 2008

Mr. Robert Boehk
General Counsel
Erie Materials
4507 Tiffin Avenue
Sandusky, Ohio 44871

Dear Mr. Boehk:

This letter shall serve as follow-up to the inspection conducted on April 16, 2008, by Mr. Mohammad Smidi and myself. The purpose of this inspection was to determine the compliance status of all air contaminant emissions units located there. Based on our discussions, our observations during the inspection, and a review of the company's files, our findings are as follows:

1. There are currently three separate facilities owned by Erie Materials (Erie) permitted at the 4507 Tiffin Ave., Sandusky, Ohio address in Erie County. Under premise number 0322960001, Erie has a 687.7 HP diesel generator permitted as a "portable source". Under premise number 0322960002, Erie has a 1480.1 HP diesel generator permitted as a "portable source". Under premise number 0322020211, Erie has its aggregate quarrying operations permitted under four emissions units (F001- F004).

The two diesel generators have not been moved off site for at least 5 years, if ever. Erie also stated that there is no plan to move them in the near future. Since both generators have been in one location for over five years, they are no longer eligible to be permitted as a "portable source" and, in accordance with USEPA guidance (portable sources located at one location for over two years are assumed to be a "stationary source") and Ohio EPA engineering guide 44, the generators must now be permitted as part of the quarry operations under premise number 0322020211.

In order to accomplish this, Erie must submit a written request to administratively modify the Permits-to-Install (PTI) for the two generators. It will also need to submit a revised potential-to-emit (PTE) calculation for all emissions units at the facility, as well as a revised synthetic minor strategy if its intention is to avoid Title V permitting for the facility.

This information should be submitted to Ohio EPA by May 30, 2008. Once the submitted information is reviewed, Ohio EPA will make a determination as to its completeness any other information that Erie will need to submit to correct the permits.

2. Regarding the compliance status of the 687.7 HP portable diesel generator and the 1480.1 HP portable diesel generator, Erie has failed to submit the required quarterly reports for all four quarters of calendar year 2005 and the first and second quarters of calendar year 2006 for both emissions units. These are a violation of the reporting requirements stated in Part II.D.1 of permits to install (PTI) 03-16247 and 03-16248 and ORC 3704.05.
3. Regarding the compliance status of the crushing, screening and conveying operations, emissions unit F001, Erie is required to notify Ohio EPA within five calendar days of any exceedance of the process tons per month or tons per year limitations and/or opacity limitations. Erie shall also submit an annual report for these exceedances. If there have been no exceedances, then a report stating that fact is still required. The Ohio permit to operate (PTO) was issued on 5/16/95 and Ohio EPA has no record of ever receiving such a report. Failure to submit this report is a violation of term four of the Special Terms and Conditions section of the Ohio EPA PTO for F001.
4. Regarding the compliance status of the material storage piles, emissions unit F002, during the course of the inspection Erie stated that the materials stored in each storage pile and/or the storage pile locations have changed since the PTI was issued. Ohio EPA is requesting an updated plot plan detailing the location, size and material stored in each storage pile at the facility. The company must also submit its analysis of whether these changes have resulted in a modification, as defined in Ohio Administrative Code (OAC) rule 3745-31-01, of this emissions unit.
5. Regarding the compliance status of roadways and parking areas, emission unit F003, Erie is required to notify Ohio EPA any time equipment used to control fugitive dust from roadways/parking areas is inoperable. Erie stated that the water truck used to apply water to the roadways was inoperable at the time of the inspection and that it has not been operable since last production season. Failure to report this malfunction has resulted in violations of term three of the Special Terms and Conditions section of the Ohio EPA PTO for F003 and OAC rule 3745-15-06(B)(1).

This malfunction is also believed to be the cause of, or at least contributed to, a complaint received by this office on April 10, 2008. The complaint alleged that dust emanating from Erie was causing a public nuisance to nearby residents and drivers on the roadways. During the inspection, fugitive dust was observed for 25-30 seconds as the result of one truck exiting the premise. This issue was raised during the pre-inspection meeting and Erie acknowledged the dust can be bad. Due to the dry and windy conditions prevalent for several days prior to the inspection and the inoperable water truck, the complaint is considered justified.

The PTO for F003 requires all open bodied vehicles used in the transport of materials likely to become airborne to be covered at all times. We observed open top trucks operating near the office and scale area which were not covered and this resulted in fugitive dust emissions from the vehicles. This is a violation of term four of the PTO's Special Terms and Conditions and ORC 3704.05.

The PTO for F003 requires the company to maintain daily records for the following: (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, the amount applied (unless applied by sprinkler), and the location at which it was applied, and; (d) dates of application of dust suppressant (other than water), the type applied, the amount applied and the location applied. The company is required to maintain these records for at least three years. Erie was not able to provide any of these records and stated that no such records were kept. Failure to maintain these records are violations of term six of the PTO's Special Terms and Conditions and ORC 3704.05.

On April 21, 2008, Method 22 visible emission observations were conducted at the facility to determine the compliance status of maintaining visible emissions from plant roadways to no more than 6 minutes per hour for paved roadways and 13 minutes per hour for unpaved roadways. The paved entrance to the facility was observed and the 6-minute standard was violated in 25 minutes of observation. This is a violation of the PTO's emission limitation for paved roadways and ORC 3704.05.

Due to the violations cited above and prolonged duration of the equipment malfunction, Erie is required to submit a written response in accordance with the provisions of OAC rule 3745-15-06(B)(1) through (3). Erie is also required to submit a preventative maintenance and malfunction abatement plan for emissions unit F003 in accordance with the provisions of OAC rule 3745-15-06(D). The company's written response to this letter is requested by May 12, 2008. It should be submitted to Ohio EPA, Northwest District Office and contain all information requested above, as well as a compliance plan to remedy the violations. If the company requires more time to compile the requested information, please indicate in the letter when that material will be submitted.

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

We would like to thank you and Mr. Mielke for accommodating our schedule at the time of our visit.

Mr. Robert Boehk
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If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling (419) 373-3137, or electronically via e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/llr

pc: Lisa Holscher, U.S. EPA Region V
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