



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: Erie County  
Erie Materials  
Premise # 03.22.02.0211  
**Notice of Violation - HPF**

June 11, 2008

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

Dear Mr. Boehk:

Erie Materials Inc. (Erie) was issued a Notice of Violation (NOV) on April 30, 2008 by Ohio EPA. Ohio EPA received the required response on May 30, 2008. This letter shall serve as both a follow-up to that response and an addition to the April 30<sup>th</sup>, 2008 NOV.

Per item #4 of the April 30, 2008 NOV, Erie was required to submit an analysis of whether any changes to the storage piles resulted in a "modification" as defined in OAC rule 3745-31-01. Erie failed to submit such an analysis, however, Ohio EPA was able to determine the following from the material the facility did submit:

1. Special Term and Condition #2 of the Ohio Permit to Operate (PTO) issued on 12/29/95 for emissions unit F002 states "Erie Materials, Inc. shall notify Ohio EPA, Division of Air Pollution Control, Northwest District Office, in writing, or any future changes in the general locations of these storage piles." The storage piles at Erie have been relocated and no written notification was submitted. Failure to report these changes is a violation of term two of the Special Terms and Conditions section of the Ohio EPA PTO for F002 and Ohio Revised Code (ORC) 3704.05.
2. Erie has modified the existing piles, added additional material storage piles and failed to submit PTI and PTO applications prior to doing so. Erie has recently submitted PTI and PTO applications to modify the storage piles. Failure to apply for installation and operation permits prior to the modification and operation is a violation of Ohio Administrative Code (OAC) rule 3745-31-02(A)(1), OAC rule 3745-35-02(A) and ORC 3704.05.

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Based on the findings stated above, Erie is required to submit the following information so that the above referenced applications can be considered complete:

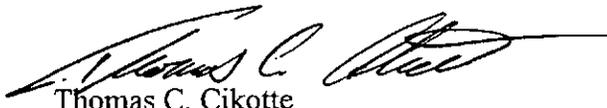
1. Dates when each modification to the storage pile site plot occurred. This should include, but is not limited to, the relocation or addition of any storage pile on site.
2. How the pile was modified (relocation, addition, increase in size/emissions, etc.).

The company's written response to this letter is requested by July 10, 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.

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.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/csl

pc: Lisa Holscher, U.S. EPA Region V  
Gary Pasheilich, Ohio Attorney General's Office  
Tom Kalman, DAPC - CO  
Don Waltermeyer, DAPC - NWDO  
Thomas C. Cikotte, DAPC - NWDO