



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

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www.epa.state.oh.us

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

Re: Erie County  
Erie Materials, Inc.  
Premise # 03.22.02.0211  
**Notice of Violation – HPF**

June 27, 2008

**CERTIFIED MAIL**  
**7006 0100 0004 1318 4184**

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

Dear Mr. Boehk:

This letter shall serve as follow-up to the inspections conducted on June 24, 2008, and June 25, 2008, of the above-referenced facility by this writer. The purpose of these inspections was to determine the company's compliance with its permit for plant roadways at the facility.

Based on my discussions, my observations during the inspections, and a review of the company's files, my findings are as follows:

1. On June 24, 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 22 minutes of observation. This is a violation of the PTO's visible emission limitation for paved roadways and ORC 3704.05.
2. On April 30, 2008, Erie Materials, Inc. (Erie) was also sent a notice of violation (NOV). One violation in the notice was failure to maintain daily records for emissions units F003, plant roadway and parking areas, per term six of the Permit to Operate (PTO) Special Terms and Conditions. Erie's response, dated May 12, 2008, refuted that violation and stated that those records were maintained on site and available for inspection by Ohio EPA.

During the site visit on June 25, 2008, when questioned about reviewing the last three years of these records, Erie stated that any records kept prior to April 30, 2008, were submitted with their May 12, 2008, response. However, further review of the May 12, 2008, response shows no such records were included. Ohio EPA can only conclude that these records were not kept and the violations cited previously were valid.

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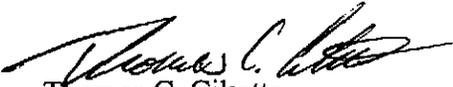
Records kept from April 30, 2008, to June 19, 2008, comply with the PTO. Records from June 20-25 had not yet been compiled.

The company's written response to this letter is requested by July 30, 2008. It should be submitted to Ohio EPA, Northwest District Office and contain a compliance plan to remedy the observed situation and prevent this, or any similar such situation, from occurring in the future.

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)