



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Sandusky County
Futronics, Inc.
550 State Route 19
Fremont, OH 43420
Notice of Violation (NOV)

July 13, 2010

CERTIFIED MAIL

Mr. Mike Gruss
General Manager
Futronics, Inc.
550 State Route 19
Fremont, OH 43420

Dear Mr. Gruss:

This letter shall serve as a follow-up to the complaint investigation conducted on July 8, 2010 at the above referenced facility. The investigation was conducted by Mr. Thomas Cikotte of the Division of Air Pollution Control (DAPC) at the Northwest District Office (NWDO). The purpose of the investigation was to determine the veracity of the complaint and whether the facility is operating in accordance with the rules and regulations of DAPC.

Based on discussions with Mr. Cikotte as well as his observations during the investigation, the findings are summarized as follows:

1. Futronics, Inc. (Futronics) has been operating an unpermitted and unapproved incinerator for approximately seven years. This emission unit has been used to burn, among other things, styrofoam, manufactured lumber, plastics, shipping materials and wire spools. The incinerator is not equipped with the requisite primary burner, secondary burner and thermocouple devices necessary to meet regulatory requirements.

As designed and operated, the company is in violation of Ohio Administrative Code (OAC) rules 3745-17-07 Control of visible particulate emissions from stationary sources and 3745-17-09 Restrictions on particulate emissions and odors from incinerators. It is also a violation of OAC rule 3745-31-05 for not employing best available technology to reduce emissions of air contaminants. These rule violations are also a violation of Ohio Revised Code (ORC) section 3704.05.

2. The installation and operation of the incinerator without first obtaining the requisite permits is a violation of OAC rule 3745-31-02. It is also a violation of ORC section 3704.05.



Mr. Mike Gruss
July 13, 2010
Page Two

3. Based on our observations and a review of the facts, the complaint we received is valid. The operation of this emission unit is causing a public nuisance in violation of OAC rule 3745-15-07. For this reason, as well as the violations cited above, Futronics should immediately cease operation of this emissions unit. Any future operation of this unit is dependent upon the company being able to demonstrate that it can be operated in compliance with applicable requirements.
4. A written response is required to be submitted within ten (10) days of the date of this letter. This response should serve to acknowledge that the company understands what is required and has shut the incinerator down.

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

Respectfully,



Mohammad Smidi
Environmental Specialist
DAPC/NWDO

/lb

pc: Don Waltermeyer, DAPC/NWDO
Lisa Holscher, US EPA Region V
Tom Kalman, DAPC/CO
DAPC/NWDO General County File
7006 0100 0004 1318

ec: Brian Riedmaier, DAPC/NWDO
Melanie Ray, DAPC/NWDO
Thomas Cikotte, DAPC/NWDO

7006 0100 0004 1318 3903

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com

Postage	\$.44	Postmark Here
Certified Fee	2.80	
Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$ 5.54	

Send To: Mr. Mike Guss, General Manager
550 State Route 19
Summit, OH 43420

PS Form 3806, June 2002 See Reverse for Instructions

DAPC - MS - 11

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
<ul style="list-style-type: none"> Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired. Print your name and address on the reverse so that we can return the card to you. Attach this card to the back of the mailpiece, or on the front if space permits. 	<p>A. Signature <u>* Teri Combs</u> <input checked="" type="checkbox"/> Agent <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <u>TERI COMBS</u> C. Date of Delivery <u>7-15-10</u></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes <input type="checkbox"/> No If YES, enter delivery address below:</p>
<p>1. Article Addressed to:</p> <p><u>Mr. Mike Guss</u> <u>General Manager</u> <u>Atomic Inc</u> <u>550 State Route 19</u> <u>Summit, OH 43420</u></p>	<p>3. Service Type</p> <p><input type="checkbox"/> Certified Mail <input type="checkbox"/> Express Mail <input type="checkbox"/> Registered <input type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input type="checkbox"/> C.O.D.</p>
<p>2. Article Number (Transfer from service label)</p> <p><u>7006 0100 0004 1318 3903</u></p>	<p>4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes</p>