



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Erie County
Erie Materials, Inc.
Premise #0322020211;
#0322022008; and #0322022009
**Inspection/Notice of Violation
(NOV/non-HPV)**

August 28, 2013

CERTIFIED MAIL

Mr. Robert Boehk
Erie Group of Companies
4507 Tiffin Avenue
Sandusky, Ohio 44870

Dear Mr. Boehk:

This letter shall serve as a follow-up to the full compliance inspection conducted on August 8, 2013, by Miranda Garlock and Wendy Licht of the Division of Air Pollution Control (DAPC) and the partial compliance inspection conducted on August 14, 2013, by Miranda Garlock and Tom Cikotte of DAPC at 4507 Tiffin Avenue, Sandusky, Ohio. The purpose of these inspections was to determine the compliance status of all air contaminant emissions units located at the facility with the rules and regulations of the DAPC.

It should be noted that nine emissions units (F004, F001, P001, P002, P005, P007, F005, P006, and P008) associated with Premise No. 0322020211 and one emissions unit (P903) associated with Premise No. 0322022009 were not in operation during the full compliance inspection conducted on August 8, 2013, and could not be fully evaluated. According to the facility, aggregate production had ceased the morning of August 8, 2013, prior to the inspection time because the screen in the secondary crusher was being repaired. However, three emission units (F001, P001, and P002) were observed to be in operation during the August 14, 2013, partial compliance inspection. Since the other seven emission units were not operating during either inspection, the compliance status of these units could not be fully determined.

Based on discussions with you, Mr. Darren Wikel, and Mr. Terry Demuth, DAPC's observations during the inspections, a review of the facility records, as well as, a review of the company's files at the Northwest District Office (NWDO), the following summarizes our findings:

Premise No. 0322020211 (Quarry Operations):

1. **F001 – Aggregate Processing Plant**

F001 is currently operating under Permit to Operate (PTO) P0024682 that was issued on May 16, 1995, and expired May 15, 1998. The PTO renewal application submitted in 1998 identified the emissions unit as having 16 conveyors, 2 crushers (primary and secondary), 3 screens (primary, secondary, and wash plant screen), and one wash plant.

DAPC received a Chapter 31 modification application for F001 on May 7, 2012, specifically for the rip rap plant expansion including the addition of one hopper, one screen and three conveyors. According to the application, the rip rap plant was installed and began operation on May 1, 2011. A review of the flow diagram provided with the Chapter 31 modification application indicates a total of 29 conveyors, 3 feeders, and 4 screens, and a truck dump pit are presently associated with F001. The Chapter 31 Modification application is currently on hold while DAPC awaits additional information.

As part of the inspection, DAPC reviewed the expired PTO, the 1998 PTO renewal application and the 2012 Chapter 31 modification application. NWDO has determined that additional modifications to the aggregate processing plant have been made since the current PTO was issued in 1995 that have not been accounted for in the current 2012 Chapter 31 modification application. Erie has failed to apply for a Chapter 31 modification which accounts for the total increase in its aggregate processing activities prior to modifying and operating F001 which is a violation of OAC rule 3745-31-02 and ORC 3704.05.

In addition, modifications to the aggregate processing plant made after April 22, 2008, would be subject to 40 CFR, Part 60 (NSPS), Subpart OOO emission testing in accordance with the provisions of 40 CFR Part 60, Subpart A, Section 60.8 and 60.11, and 40 CFR Part 60, Subpart OOO, Section 60.675. Because emission testing was not conducted within 60 days after achieving the maximum production rate at which the emissions unit will be operated, but not later than 180 days after initial startup of the emissions unit, Erie is in violation of 40 CFR Part 60.11 and 60.675 (NSPS Subpart OOO).

2. F003 – Plant Roadways and Parking Areas

The 2012 Fee Emission Report (FER) submitted on April 15, 2013 and revised on May 13, 2013, indicates the vehicle miles travelled (VMT) per year were 18,750 VMT/year in 2012. The Permit to Operate (PTO) application dated February 6, 1995, identifies the VMT/year at the facility in 1995 was 5,500 VMT/year. Based on a review of historical aerial photographs, the facility has expanded its roadways since 1995, specifically to the southeast.

The current PTO permit P0024684 issued on August 18, 1995 does not reflect the facility's expansion or increase in truck traffic since 1995. PTO P0024684 expired on August 17, 1998. Erie Materials, Inc. (herein referred to as "Erie") has failed to apply for a Chapter 31 Modification to account for additional particulate emissions (PE) associated with its roadways and parking areas which is a violation of OAC rule 3745-31-02 and ORC §3704.05.

3. F004 – Mineral Extraction including drilling, blasting, and overburden removal

The 2012 FER submitted on April 15, 2013 and revised on May 13, 2013 indicates particulate emissions (PE) emissions from F004 (mineral extraction including drilling, blasting, and overburden removal) was 9.08 tons PE/year which exceeds the permit allowable of 2.6 tons PE/year.

The current PTO permit P0024685 issued on February 3, 1995 does not reflect the increase in emissions since 1995. PTO P0024685 expired on February 3, 1998. Erie has failed to apply for a Chapter 31 Modification to account for the increase in PE associated with its mineral extraction activities which is a violation of OAC rule 3745-31-02 and ORC §3704.05.

4. P001 – 530Q, 686.7 hp diesel powered generator and
P002 – 539Q, 1,480.1 hp diesel powered generator

Upon reviewing the facility's records, it was discovered that Erie has failed to calculate the monthly emission rate for nitrogen oxides (NOx), the cumulative NOx emissions during the first 12 calendar months, and the rolling 12 month summation of NOx in tons for P001 and P002. This is required and thereby a violation of the monitoring and record keeping requirements of Permit to Install/Operate (PTIO) 03-17460 issued September 23, 2009 and ORC §3704.05.

5. The facility has met all monitoring and record keeping requirements for emission units F002 (Storage Piles) and F003 (Plant Roadways and Parking Areas) with the following exceptions:
 - a. F002 - On a monthly and calendar quarterly basis, the facility has not been summarizing the total number of days control measures were implemented and total number of days snow/ice and rain were sufficient not to require control measures. Currently this is recorded only on a daily basis.
 - b. F003 - On the daily log form, the facility has not been recording the number of hours water was applied or which days the facility did not operate. Currently only the time the water is applied is recorded on a daily basis.

Erie is requested to revise its daily operational logs for F002 and F003 to address the deficiencies noted above.

6. The facility identified on May 13, 2013 that the liquid asphalt loading rack (TMP162026, J001) was no longer in use. The current facility profile for TMP162026/J001 indicates this former unit was installed on September 1, 1978 and was shut down on January 1, 1989. The facility indicated that a new truck loading area for the liquid asphalt tanks was installed in the 1990's that uses a flexible hose and a pump to splash fill tankers/distributors. This truck loading area was observed during the compliance inspection to be in use. Based on the vapor pressure of the liquid asphalt, emissions from the loading of this material would be "de minimis". However, because the loading operations are considered to be a separate emissions unit, it should be included in the current facility profile. Therefore, Erie should account for the liquid asphalt loading operations in the current facility profile as an emissions unit with an operating status of "de minimis".
7. The facility operates one parts washer in the maintenance shop which could meet a permit exemption under OAC rule 3745-31-03(A)(1)(w) because it has a liquid surface area less than or equal to ten square feet. However, a provision of this permit exemption includes meeting requirements of OAC rule 3745-21-09(O).

Provisions of OAC rule 3745-21-09(O) for cold cleaners include providing a permanent, legible, conspicuous label, summarizing the operating requirements, and closing the cover of the unit whenever parts are not being handled in the cleaner, among other provisions. During the inspection, the cold cleaner lid was open and the unit was not equipped with a legible operating label. This emissions unit does not currently meet the provisions of the permit exemption under OAC rule 3745-31-03(A)(1)(w) because provisions under OAC rule 2745-21-09(O)(2) are not being maintained. Therefore, the facility would be required to apply for an air permit for this emissions unit if provisions of OAC rule 3745-21-09(O)(2) cannot be practiced.

DAPC requests Erie provide information as to how the facility will meet provisions under OAC rule 3745-21-09(O)(2) in order for this emissions unit to remain permit exempt under OAC rule 3745-31-03(A)(1)(w). In addition, Erie should account for the cold cleaner in the current facility profile as a separate emissions unit.

8. The facility uses two waste oil heaters in its maintenance garage. These two emission units were included by the facility on the May 9, 2012 potential to emit (PTE) submitted to DAPC as W001 and W002 which indicates emissions would be "de minimis" from these two units. Erie should account for these two waste oil heaters in the current facility profile as separate emissions units with an operating status of "de minimis". It is recommended these units be designated as B001 and B002 on the current profile which reflects the current emission unit source prefix code for this type of operation.
9. It is DAPC's understanding that Erie has not used emission unit F005 (mineral processing plant or "RAP Wrangler") since it was issued a PBR permit on January 7, 2011. The facility is not currently maintaining records on this unit because it is not being used. The facility has not yet decided whether this unit will be permanently shut down or may be used in the future.
10. The facility is reminded that PTIO 03-17460 and PTIO P0110030 both expire on September 23, 2014. The facility must submit renewal applications for emissions units F002, P001, P002, P005, and P007 associated with these permits prior to the expiration date.
11. According to the 2012 FER, the total number of hours emission unit P008 (511, 620 hp oil fired water pump CAT 3412) operated in 2012 was 414 hours. The current PBR permit, PBR10268, issued on October 22, 2012, for this emission unit limits the operational time of this emission unit to no more than 500 hours per year. The facility is reminded that if operational hours should exceed 500 hours per year then the facility must apply for a PTIO permit.

Premise No. 0322022008 (Portable Grinder, Beast) P902:

12. The Beast Grinder, portable unit P902, is located at 4507 Tiffin Avenue, Sandusky, Ohio and was in use during the inspections on August 8, 2013 and August 14, 2013. This unit is used to grind both recycled asphalt pavement (RAP) and recycled asphalt shingles (RAS).

The facility applied for a Permit-by-Rule (PBR) on May 23, 2011. The PBR was denied on May 31, 2011, because the material being processed, specifically RAS, is not a process material that is included in the PBR exemption for nonmetallic mineral processing plants under OAC rule 3745-31-03(A)(4)(d).

To date and in accordance with the 2012 FER, the unit has not operated enough hours for emissions to exceed "de minimis" conditions (operated a total of 75 hours in 2012). However during the inspection, it was identified that the facility has been utilizing this unit more frequently in 2013 (operated 96.5 hours from Jan 1, 2013-August 8, 2013) and anticipates using this unit more often in the future as part of the facility's newly proposed recycled asphaltic line.

In order to verify that actual emissions from this source are in compliance with OAC rule 3745-15-05(D), the owner or operator of the source shall maintain records that show that emissions of any air contaminant from the source did not exceed ten pounds per day on each day the source emitted air contaminants. The facility has failed to keep daily emission calculations to support the "de minimis" demonstration for P902 and in addition, the facility's operating hours of this unit appears to be approaching permissible emissions levels. Therefore, DAPC is requiring the facility to apply for an initial PTIO for this emission unit and its associated conveyors.

Premise No. 0322022009 (Portable Grinder) P903:

13. Portable grinder, P903, was not located at 4507 Tiffin Avenue, Sandusky, Ohio during the inspections on August 8, 2013, and August 14, 2013; therefore, this emission unit was not assessed. According to Erie, this unit is currently located at 9220 Portland Road, Sandusky, Ohio (Premise No. 0322020256). The current facility profile for this emission unit indicates this unit is located at 4507 Tiffin Avenue, Sandusky, Ohio (Premise No. 0322020211). Erie has failed to submit a "Notice of Intent to Relocate" (ITR) form prior to moving this portable unit to a different site within Ohio boundaries which is a violation of the miscellaneous requirements of PTIO P0110033 issued May 25, 2012, OAC rule 3745-31-03(A)(1)(p) and ORC §3704.05.

The company's written response to this letter is requested by no later than **September 27, 2013**. It should be submitted to Ohio EPA, NWDO and contain a compliance plan to remedy the observed compliance issues associated with emission units F001, F003, F004, P001, and P002 under 0322020211, and P903 under 0322022009, as described above in No. 1 through No. 4 and No. 13.

It is anticipated that the compliance plan provided by Erie will include the following:

- Chapter 31 Modification application for F003;
- Chapter 31 Modification application for F004;
- Revised Chapter 31 Modification application for F001;
- Revised operational logs to include NOx calculations for P001 and P002;
- Submittal of ITR form for P903; and
- Updated potential to emit (PTE) for the facility.

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In addition, Erie should provide the requested information described above in items No. 5 and No. 12, and update the facility profile as requested and described above in items No. 6 through No. 8 by no later than **September 27, 2013**.

Please be advised 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 §3704.06. The Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Should you have any questions and/or comments regarding this letter, please contact me at (419) 373-3069 or by email at Miranda.Garlock@epa.ohio.gov.

Sincerely,



Miranda R. Garlock
Environmental Specialist
Division of Air Pollution Control

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