



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

Re: Erie County
 Erie Materials
 0322020256
 Notice of resolution

October 2, 2013

Mr. Bob Boehk
 Erie Materials
 P.O. Box 2308
 Sandusky, Ohio 44870

Re: Resolution to notice of violation (NOV) issued December 19, 2011

Dear Mr. Boehk:

This letter shall serve as a notice of resolution to the NOV issued to Erie Materials (0322020256) on December 19, 2011. The NOV was issued in response to a testing event conducted on September 13, 2011 during which emissions unit P901 (400 tph, drum mix asphalt plant) failed to meet the permitted emission limits for SO₂, CO, NO_x and VOC while burning natural gas.

Pollutant	Actual Emission Rate	Allowable Emission Rate	Source Operating Rate	Maximum Source Operating Rate ¹
PM	0.023 lb/ton asphalt	0.033 lb/ton asphalt	363.3 TPH	400 TPH
SO ₂	0.0049 lb/ton asphalt	0.0034 lb/ton asphalt	363.3 TPH	400 TPH
CO	0.23 lb/ton asphalt	0.15 lb/ton asphalt	363.3 TPH	400 TPH
NO _x	0.028 lb/ton asphalt	0.026 lb/ton asphalt	363.3 TPH	400 TPH
VOC	0.34 lb/ton asphalt	0.10 lb/ton asphalt	363.3 TPH	400 TPH

The exceedances of the allowable emission rates for SO₂, CO, NO_x and VOC was a violation of the Permit to Install and Operate (PTIO) P0105371, issued July, 14, 2010, OAC rule 3745-31-05 and ORC 3704.05.

¹ Maximum Source Operating Rate (MSOR) is defined as the condition that is most likely to challenge the emission control measures with regards to meeting the applicable emission standard(s). Although it generally consists of operating the emissions unit at its maximum material input/production rates and results in the highest emission rate of the tested pollutant, there may be circumstances where a lower emissions loading is deemed the most challenging control scenario. Failure to test at the MSOR is justification for not accepting the test results as a demonstration of compliance.

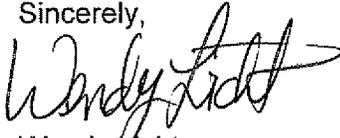
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To address this violation the company submitted written correspondence on January 31, 2012, contending that because of weather conditions, the saturated conditions of the raw materials, and the rate at which the Asphalt Plant was obligated to run, the stack test was not a representative test. On March 14, 2013 this office submitted written correspondence to the company indicating that for purposes of settlement only, this office was willing to disregard the results of this testing event with the stipulation that the company conduct additional emissions testing. The company conducted the additional emissions testing on August 13, 2013. Based on the results of the August 13, 2013 test, Ohio EPA expects a PTIO modification to be submitted no later than **October 18, 2013**.

The violation noted in the NOV letter has been addressed and considered resolved. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

If you have any questions and/or comments concerning this letter, please feel free to contact me at the above address, by calling (419) 373-3134 or by e-mail at wendy.licht@epa.state.oh.us

Sincerely,



Wendy Licht
Environmental Specialist
DAPC-NWDO

/cg

ec: Jennifer Jolliff, DAPC-NWDO
Bruce Weinburg, DAPC-CO
Tom Sattler, DAPC-NWDO
Mark Budge, DAPC-NWDO
Wendy Licht, DAPC-NWDO
Brian Dickens, US EPA Region V,