



**Environmental  
Protection Agency**

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

RE: Erie County  
Erie Materials, Inc.  
Premise # 0322020211  
Notice of Violation (non-HPV)

April 13, 2012

**CERTIFIED MAIL**

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

Dear Mr. Boehk:

This letter shall serve as a follow-up to the complaint investigation conducted on Tuesday, April 10, 2012, of the above referenced facility by Tom Cikotte and this writer from the Division of Air Pollution Control (DAPC) at the Northwest District Office (NWDO). The purpose of this investigation was to determine the legitimacy of the complaint of dust imminent from the facility grounds and impacting off-site residential properties located across Tiffin Avenue and adjacent to the facility.

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

1. On April 10, 2012, Method 22 visible emission observations were conducted at the facility to determine the compliance status of maintaining visible emissions from plant roadways (F003) to no more than six minutes per hour for paved roadways and 13 minutes per hour for unpaved roadways.
  - a. The paved entrance to the facility including the truck scale were observed and the six minute permit standard was violated within 43 minutes of observation. This is a violation of the PTO's visible emission limitation for paved roadways and ORC 3704.05 issued August 18, 1995.
  - b. The unpaved roadway entrance located near the two green silos and just northwest of the paved surface lot was observed. A total of nine minutes and 39 seconds of visible emissions were observed on unpaved roadways at the facility within a 58 minute period.

Therefore, the 13 minute permit standard for visible emissions on unpaved roadways was not found to be in violation. However, it should be noted that during the observation period, truck traffic significantly decreased halfway through the observation period. It is likely that if the truck traffic had remained constant that visible emissions from the unpaved roadway would have exceeded the 13 minute per hour permit limitation.

2. On April 10, 2012, little to no visible emissions were noted coming from the facility's on-site stockpiles which could be seen from the Tiffin Avenue right-of-way and the Bardshar Road right-of-way. PTIO permit standards for this emission unit (F002) indicate visible emissions from stockpiles should be no more than 1 minute per hour; therefore, Method 22 readings were not conducted on April 10, 2012, and this emission unit was not found to be in violation of its permit standards.

During the observation period conducted on April 10, 2012, between 12:14 p.m. and 1:12 p.m. the Ohio EPA did not observe the use of water as a control measure. An area of ponded water was noted just southeast of the truck scale exit point but was being avoided by trucks exiting the scale. Applicable permit requirements for F002 and F003 include the use of water as a control for visible emissions on an as needed basis. Based upon the increased wind speed, the dry conditions, and the amount of truck traffic observed on April 10, 2012, the facility should have been applying water as a control measure for the dust imminent from the facility's roadways.

The company's written response to this letter is requested by May 11, 2012. 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 situation, from occurring in the future.

Please be advised that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to ORC Section 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.

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Should you have any questions or comments concerning this letter, please feel free to contact me at (419) 373-3069 or electronically at [Miranda.Garlock@epa.ohio.gov](mailto:Miranda.Garlock@epa.ohio.gov).

Sincerely,



Miranda R. Garlock  
Division of Air Pollution Control

/cg

pc: DAPC-NWDO File  
Certified Mail Receipt Number 70091410000118438672

ec: Miranda Garlock, NWDO, DAPC  
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