



Re: Erie County
Erie Materials, Inc.
Premise # 0322020211
**Notice of Violation (NOV) (non-HPV)
& Return to Compliance (RTC)**

December 4, 2012

CERTIFIED MAIL

Mr. Bob Boehk, General Council
Erie Materials
4507 Tiffin Avenue
Sandusky, Ohio 44871

Dear Mr. Boehk:

On both November 26 and 27, 2012, a representative of Ohio EPA's Northwest District Office (NWDO) observed heavy, lofting smoke coming from the Erie Materials, Inc. (Erie) quarry site at the above address. The matter was referred to me to resolve. My investigation, conducted on November 28, 2012, shows brush, some of which contained poison ivy, various metal fencing materials, plywood and miscellaneous metal parts was burned for disposal purposes. The burn site is located in an unrestricted area and the burning occurred from November 26-28, 2012.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-03(A) and Ohio Revised Code (ORC) 3704.05. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than December 20, 2012.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

Mr. Bob Boehk
December 4, 2012
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Please note 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 as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3069 or e-mail at miranda.garlock@epa.state.oh.us.

Sincerely,



Miranda Garlock
Division of Air Pollution Control

/cg

Enclosure

pc: Erie County Health Department
Certified Mail Receipt Number 7011350000082041725

ec: Brian Dickens, US EPA, Region V
Samuel Peterson, Ohio Attorney General
Bruce Weinberg, DAPC – CO
Jennifer Jolliff, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Miranda Garlock, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO