



State of Ohio Environmental Protection Agency

Southeast District Office

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

January 25, 2010

RE: Washington County
Facility ID: 0684000145
The Shelly Co.- Price Inland Terminal
NOV

Certified: 70073020000178848258

Mr. Rudy Pennock
Operations Manager
The Shelly Co. - Price Inland Terminal
3059 Washington Blvd.
Belpre, Ohio 45714

SUBJECT: Notice of Violation

Dear Mr. Pennock:

On December 10, 2009, Laura Stalder and I conducted a complaint investigation made against your facility. Our findings from the investigation and requests for more information are summarized below. Please provide the requested information to this office by **February 20, 2010**.

As we approached your facility on State Route 618 from the west, we noticed fugitive emissions being generated by traffic on and near the coal pad on the west side of your facility. We conducted a Method 22 reading, which resulted in an accumulated emission time of 10 minutes and 1 second in an observation period of 41 minutes. PTI 06-6018 issued on December 22, 1999, allows 3 minutes of visible emissions in any 60 minute period for roadways. Exceedance of your permit limit is a violation of OAC rules 3745-31-05(A)(3) and 3745-17-08(B)(2). As you indicated during our conversation that day, temperatures (maximum temperature = 33 degrees F) prevented extensive watering; although, your records indicate that you did attempt to water that morning and you again operated the water truck while we were onsite.

In the past year, samples taken from neighborhood homes have indicated that coal dust is being deposited on and in homes. A sample of dust was taken from the complainant's house on December 10, 2009 during our investigation and is being sent for analysis. We will provide a copy of the results to you once we receive them.

A visible emission violation was cited for the same process on March 20, 2008 (Warning Letter dated March 28, 2008). It appears that the measures proposed by Price Inland Terminal in Shelly's April 9, 2008 response letter are not enough to ensure compliance with OAC rules 3745-31-05(A)(3) and 3745-17-08(B)(2). Please provide a complete list

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of all options investigated by Price Inland Terminal to control fugitive coal dust from the piles and the fines being washed onto the coal pad. In addition, please provide an updated compliance plan and schedule to bring the roadways around the coal pads back into compliance.

Acceptance by the Ohio EPA of the above-requested compliance plan and schedule does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

If you have any questions or comments regarding the content of this letter, please feel free to contact me at 740-380-5299 or at michael.carper@epa.state.oh.us.

Sincerely,



Michael Carper
Environmental Specialist II
Division of Air Pollution Control

MC/mlm

Enclosures

cc: Beth Mowrey, The Shelly Company