



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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

August 14, 2008



RE: Washington County
Facility ID: 0684000145
The Shelly Company
Price Inland Terminal

Certified: 70073020000178820520

Ms. Beth Mowrey, Dir. of Env. Permitting & Compliance
The Shelly Company
P.O. Box 266
Thornville, Ohio 43076

Subject: Notice of Violation for Unreported Deviations from the Second Quarter 2009 and Failure to Report Malfunctions

Dear Ms. Mowrey:

I am in receipt of your Second Quarter Deviation Report for Price Inland Terminal located in Belpre, Ohio. You have noted that permit deviations occurred at the Lime Unloading unit (P901) on June 15, 2009.

I conducted a Method 9 on June 24, 2009, which revealed that the barge unloading operation was in violation of the opacity limit found in Ohio Administrative Code (OAC) rule 3745-17-08(B). On June 26, 2009, I spoke with Rudy Pennock about this finding. However, this exceedance was not noted in your deviation report. Failure to report deviations is a violation of OAC rule 3745-15-03.

Also, on June 24, 2009 during a site inspection, visible emissions were noted from the truck loading operation (P901). The emissions limitation for this unit is no visible emissions from the baghouse controlling loading of the trucks. A Method 22 was conducted and revealed that there were two minutes of visible emissions in a 12-minute period. In addition, neighbors of Price Inland reported that visible emissions were coming from the facility on June 17, 2009 (please see the photographs included in my July NOV).

During a site visit on July 27, 2009, Rudy Pennock clarified that it was the baghouse serving the truck loading, not the baghouse serving the barge unloading that had blown bags at the beginning of May 2009, as stated in my July 2009 NOV. The blown bags caused the emissions unit to operate in such a manner as to exceed the emissions limitation established by OAC rule 3745-17-08(B). Ohio EPA would consider this to be a malfunction; however, no malfunction report was submitted to the Southeast District Office. Failure to submit a malfunction report is a violation of OAC rule 3745-15-06(B). The bags were being pulled and replaced when we arrived on July 27, 2009.

Please find enclosed your second quarter deviation report that I am returning to you as incomplete. Please submit a revised report to this office by **September 30, 2009**.

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

If you are unable to respond to any part of this request within the time frame discussed above, please inform us and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5299 or michael.carper@epa.state.oh.us.

Sincerely,



Michael Carper
Environmental Specialist II
Division of Air Pollution Control

MC/dh

Enclosures: Second Quarter Deviation Report

cc: Jim Orlemann, DAPC, CO
Lisa Holscher, USEPA Region 5
Bruce Weinberg, DAPC, SEDO
Mr. Rudy Pennock, Operations Mgr., The Shelly Co., Price Inland Terminal