



State of Ohio Environmental Protection Agency

Southeast District Office

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

August 9, 2007

**Re: Perry County (Portable)
Allied Corporation Plant #77
Facility ID #0664980002
Warning Letter**

Certified Mail 70063450000190546680

Ms. Beth Mowrey
The Shelly Company
P.O. Box 266
Thornville, Ohio 43076

Dear Ms. Mowrey:

On July 19, 2007, Ohio EPA, Division of Air Pollution Control, Southeast District Office (SEDO), performed an inspection of Allied Corp. Plant #77, a 300 TPH portable drum mix asphalt plant currently located at 4900 W. 150th Street in Cleveland, Ohio. The inspection was conducted to determine the facility's compliance with state and federal air pollution rules and regulations. The site visit was scheduled to coincide with the planned emissions testing of the asphalt plant, and SEDO also followed up on a complaint investigation that was initiated by the Cleveland Division of Air Quality (CDAQ) in June of this year. You, Tom Henry, and Tom Slane represented the Shelly Company during this inspection.

At the time of the inspection, the asphalt plant (emissions unit P901) was not operating due to inclement weather and the planned stack testing had to be postponed. However, the plant did operate earlier that day burning used oil. The two fugitive units at the facility (F001 and F002) were operational. This facility is permitted under permit-to-install (PTI) #06-07724 issued for the modified plant on June 1, 2006. No permits-to-operate (PTOs) have been issued to date, but PTO applications for these units were received on December 22, 2004.

Based on the inspection, file review, and reports submitted by the Shelly Company, it appears that Allied Corp. Plant #77 is in compliance with all applicable state and federal air rules, except as identified in Comment #1, below, or through the stack testing that was conducted on July 20, 2007. Copies of the checklists completed as part of the inspection are enclosed.

Comments:

- (1) Part II.B.7 of PTI #06-07724 for emissions unit P901 limits the company to using virgin aggregate and recycled asphalt product (RAP) in the raw material feed mix. Even though the Shelly Company has not reported any deviations of this operating restriction in its quarterly deviation reports, it appears the company may be using slag in some of the asphalt mixes produced at this facility. A review of the PTI application for this plant revealed that the Shelly Company had requested that the use of slag be permitted in this PTI; however, because insufficient emissions information was provided for emissions generated while producing slag mixes, the use of slag was not permitted in this PTI. Ohio EPA is aware that this permit condition is one of the terms of PTI #06-07724 that is currently under appeal at ERAC.

Please be advised that SEDO has reason to believe, based on emission tests performed on other asphalt plants using slag, that the use of slag in asphalt mixes causes a significant increase in sulfur dioxide (SO₂) emissions, and as a result, the hourly emission rates for SO₂ in PTI #06-07724 may be exceeded when slag is used.

In order to evaluate this issue further, please provide Ohio EPA with all dates since issuance of this PTI that slag was a component of the raw material feed mix as well as the percentage of slag that was used in the mix on each of those dates. ***Please submit this information to this office within thirty (30) days of your receipt of this letter.***

Also, please note that if the Shelly Company wishes to obtain a modified permit to use slag in this plant, the company must provide emissions data for this mix. Since the applicable PTI prohibits the use of slag currently, the Shelly Company would need to request a PTI exemption under OAC rule 3745-31-03 if the company decides to generate emissions data from the Allied Corp. Plant #77 while using slag.

- (2) At the request of the CDAQ, I visited Shaker Saab and collected two particulate samples from an impacted vehicle prior to arriving at the Allied Corp. Plant #77 site. Once I receive the particulate filter generated during the July 20, 2007 stack test of the plant, which you confirmed is being mailed on August 1, 2007, both samples will be provided to our laboratory for comparison to determine if the particulate impacting the dealership cars is the same particulate being emitted from the asphalt plant stack. The results of this evaluation will be provided to the Shelly Company, Shaker Saab, and CDAQ as soon as they become available.

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The assistance provided during the inspection is greatly appreciated. Should you have any questions, please feel free to contact me at (740) 380-5245 or via email at kim.reinbold@epa.state.oh.us.

Sincerely,



Kimbra L. Reinbold
Division of Air Pollution Control

KLR/dh

Enclosures

cc: Valencia White, CDAQ
John Paulian, DAPC, CO
Ben Franz, Ohio AGO