



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

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

September 8, 2009

RE: Perry County
Facility ID: 0664005005
Allied Corporation Plant #76
Notice of Violation
Certified Mail 70073020000178820483

Ms. Beth Mowrey
Director of Environmental Permitting and Compliance
The Shelly Company
P.O. Box 266
Thornville, Ohio 43076

Subject: Results of Inspection Conducted at Allied #76 and Request for More Information

Dear Ms. Mowrey:

On July 28, 2009, Marco Deshaies and I visited your facility located at 2100 West Third Street in Cleveland. The purpose of this visit was to determine the compliance status of Allied #76 with applicable federal and state environmental laws and regulations. As a result of my inspection and review of your records and reports, the following issues should be addressed:

F001- Paved and Unpaved Roadways and Parking Areas

1. On April 29, 1999, a permit to operate was issued for roadways and parking areas that included requirements to submit quarterly deviation reports. Deviation reports were to be submitted stating whether or not inspections were performed as required and if control measures, if determined to be necessary, were implemented. No deviation reports covering roadways and parking areas (F001) have been submitted since Shelly took responsibility for Allied 76 in the first quarter of 2004. Failure to submit required report is a violation of Ohio Administrative Code (OAC) rule 3745-15-03.

P902- 600 TPH Portable Counter Flow Drum Asphalt Plant

1. Permit-to-Install-and-Operate (PTIO) P0104310 issued on March 10, 2009, requires that you keep daily records of the amount and type of slag used in the asphalt mix (see Term C.1.d)(2)a.). This information is to be used to calculate the average hourly sulfur dioxide emissions rate as required in term C.1.d)(2)d.

The percentage of sulfur in the slag being used since June 23, 2009, was unavailable at the time of my inspection and Mr. Chuck Zelenka, Plant Manager, showed me that there was no place in the computer tracking system for him to enter this information.

Failure to maintain daily records is a violation of OAC rule 3745-15-03(A). The following information is required to be recorded daily by the PTIO:

- a. The amount, in tons, of slag used, furnace type that produced the slag, and the type (grade of slag employed) (term C.1.d)(2)a.);
- b. The average hourly SO₂ emissions calculated according to C.1.c)(10) (term C.1.d)(2)d.);
- c. The average hourly slag usage rate calculated according to c)(11) (term C.1.d)(2)e.)

Please submit the above missing information to this office for the time period of June 23, 2009 to August 31, 2009.

2. PTIO P0104310 requires you to submit, and receive approval from Ohio EPA for slag sampling and testing prior to using slag in your plant. The Southeast District Office has not received a copy of this plan. Please submit the required plan to this office. Please note that utilizing slag prior to approval of your sampling and testing procedures is a violation of your permit terms and conditions (see term C.1.d)(7)).
3. PTIO P0104310 requires you to submit a burner tuning procedure to the appropriate Ohio EPA District Office. The Southeast District Office did not receive a copy of this procedure. Failure to submit this information to the appropriate permitting district office is a violation of your permit terms and conditions (see term C.1.f)(2)a.).
4. Records from April, May and June of 2008 all contain dates where the Predominant Fuel type used was labeled as "Unknown." Mr. Zelenka was unable to explain the use of this term in the records during my inspection, citing that he was not the day manager last year. Please submit information regarding the type of fuel used on April 8, 9, 22, and 23, May 29, and June 30, 2008, at Allied #76.

Unpermitted Emission Units

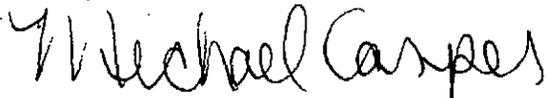
While on-site, a conveying system was noted in the storage pile area. When asked, Mr. Zelenka stated he did not believe it was permitted equipment. Information from the control panels and plates identified it as a Masaba Mining conveyor system (SN: 2009273). Please provide the installation date for this unit and information as to whether it is a permitted emissions unit or not.

Please provide the above requested information to Erika Jackson of 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 Erika Jackson at (740) 380-5228 or erika.jackson@epa.state.oh.us or 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

cc: Bruce Weinberg, SEDO, DAPC
Lisa Holscher, USEPA
Jim Orlemann, CO, DAPC
Dave DeChant, Cleveland LAA