



State of Ohio Environmental Protection Agency

**Southeast District Office**

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

June 27, 2008

**Re: Perry County (Portable)  
Shelly Materials Plant #44  
Facility ID #0664000077  
Warning Letter - Non-HPV**

**Certified Mail #  
#7007 3020 0001 7882 0216**

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

Dear Ms. Mowrey:

On June 5, 2008, Ohio EPA, Division of Air Pollution Control, Southeast District Office (SEDO), performed an inspection of Shelly Materials Plant #44, a 250 TPH portable drum mix asphalt plant currently located at 4301 Roush Road in Hillsboro, Ohio. The inspection was conducted to determine the facility's compliance with state and federal air pollution rules and regulations and the permits for this facility. Tom Henry and Phil Anchor represented the Shelly Company during this inspection.

Permit-to-install (PTI) #06-07259, a modification of PTI # 06-01323, was issued for this plant and its support units (emissions units P901, F001 and F002) on March 16, 2004. A permit-to-operate (PTO) was issued for the asphalt plant on May 5, 1998, and this PTO expired on May 5, 2003; a renewal PTO application for P901 was received on June 26, 2002. PTO applications for emissions units F001, F002, and P901 were also received on July 1, 2003. In addition to the plant, there are two storage tanks in operation at this location. By letter dated May 14, 2008, Ohio EPA revoked the permits for emissions units T001 and T002 at the request of the Shelly Company. Specifically, PTI #06-04136 that was issued on July 19, 1995, and the registration status granted on October 28, 1994, have been revoked.

Based on observations during the inspection and records reviewed prior to and after the inspection, the following violations of the state and federal air pollution requirements and the PTI for this facility were discovered:

**(1) Pressure Drop Monitoring  
Part II.C.1 of PTI #06-07259 (emissions unit P901)**

The permittee shall properly install, operate and maintain equipment to continuously monitor the static pressure drop across the scrubber and the

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scrubber water flow rate while the emissions unit is in operation. The monitoring devices and any recorders shall be installed, calibrated, operated and maintained in accordance with the manufacturer's recommendations, instructions and operating manuals.

At the time of the inspection, the pressure drop gauge was inoperable. This was due to the deterioration of the hose connecting the top and bottom of the scrubber to the gauge that the operator had been unable to fix since beginning operations at the plant the week before. Pressure drop was being estimated to fulfill the requirement to record pressure drop daily. During another plant inspection on June 19, 2008, I was notified verbally by Mr. Tom Henry that the pressure drop gauge at Shelly Materials Plant #44 had been repaired and returned to service the day after the inspection.

Please provide documentation (e.g., maintenance reports, photos, etc.) to demonstrate that this violation has been resolved. In addition, please be sure to report this deviation from the permit terms and conditions in the quarterly report for this facility due July 31, 2008.

**(2) Flow Rate Recordkeeping**  
**Part II.C.2.b of PTI #06-07259 (emissions unit P901)**

The permittee shall collect and record the following information each day: b. the scrubber water flow rate, in gallons per minute, on a once per day basis.

The venturi scrubber is not equipped with a flow monitor to measure the scrubber water flow rate. The plant operator indicated he can estimate the flow rate based on how far "on" or "off" the scrubber water pump is, based on a maximum pump capacity of 650 gallons per minute, and thus he can ensure that the requirement to maintain flow rate above 200 gallons per minute is met. However, the flow rate is currently not being recorded on a daily basis in the facility logs.

To resolve this violation, the Shelly Company must begin recording daily scrubber water flow rates in the facility log. Please provide documentation (e.g., daily inspection or production logs) to demonstrate that this violation has been resolved. In addition, please be sure to report this deviation from the permit terms and conditions in the quarterly report for this facility due July 31, 2008.

Copies of the checklists completed as part of the inspection are enclosed.

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***Within thirty (30) days of your receipt of this letter***, please provide me a written response that details the actions that the Shelly Company has or will take to resolve the violations listed above. The company must provide Ohio EPA with a compliance plan and schedule that outlines the steps that the company will take to ensure compliance with the applicable permit conditions and state and federal air pollution regulations as indicated above. Acceptance by the Ohio EPA of a schedule for compliance 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.

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](mailto:kim.reinbold@epa.state.oh.us).

Sincerely,



Kimbra L. Reinbold  
Division of Air Pollution Control  
Southeast District Office

KLR/jg

Enclosures