



State of Ohio Environmental Protection Agency

Southeast District Office

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Logan, Ohio 43138

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www.epa.state.oh.us

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

May 27, 2010

**RE: Muskingum County
Shelly Materials, East Fultonham
0660000207, EU F007
COMPLIANCE TEST
Warning Letter
Certified: 70063450000190558973**

Ms. Beth Mowrey
The Shelly Company
PO Box 266
Thornville, OH 43076

Dear Ms. Mowrey:

On March 12, 2010, Dine Comply, Inc. submitted on behalf of Shelly Materials', East Fultonham Facility, the required response to Ohio EPA's February 16, 2010 warning letter. The February 16, 2010 warning letter explained in detail why the visible emissions observation forms, as submitted, could not be accepted for the required visible emissions compliance demonstration at East Fultonham.

Per 40 CFR Part 60, Subpart OOO and PTIO P0103938, Shelly Materials', East Fultonham Facility is required to performed a visible emissions observation compliance test according to the procedures specified in 40 CFR Part 60 and Appendix A, U.S. EPA Test Method 9. 40 CFR Part 60.675(c)(1)(ii), states that the required observer position relative to the sun (Method 9 of Appendix A-4 of this part, Section 2.1) must be followed.

The visible emission observation forms did not document the certified observer's position relative to the emission point and sun, as is required by section 2.2 of U.S. EPA Test Method 9. As Dine Comply, Inc. was informed, it would be inappropriate to revise the submitted observation forms after-the-fact to include the missing information based upon recollection alone.

In addition, some of the observation forms that did have all of the required information documented, indicate that the sun was in a position it could not have been in based on the time of day, as confirmed through data from the U.S. Naval Observatory. While resource constraints preclude us from observing every compliance demonstration conducted in our district, we do use other means to help us ensure that we are receiving valid compliance-related data from companies and/or contractors when we cannot be on site to observe a compliance demonstration.

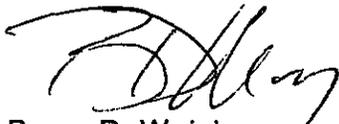
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Because the visible emissions observation forms, as submitted, cannot be accepted for the compliance demonstration, we are asking you to please submit to this office, within 30 days of receipt of this letter, a schedule for re-conducting the required compliance demonstration. Please submit this schedule to the attention of Joe Laughery.

If you have any question concerning this matter, please contact Joe Laughery at (740) 380-5234 or me at (740) 380-5257.

Thank you for your cooperation in this matter.

Sincerely,



Bruce D. Weinberg
Environmental Manager
Division of Air Pollution Control

BDW/mlm

cc: Joe Laughery, DAPC-SEDO (Emissions Unit File Copy)
Marco Deshaies, DAPC-SEDO
Sarah Harter, DAPC-SEDO
Test Report File Copy