



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

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

February 16, 2010

**RE: Muskingum County  
Shelly Materials, East Fultonham  
066000207, EU F007  
COMPLIANCE TEST  
Warning Letter  
Certified: 70073020000178848470**

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

Dear Ms. Mowrey:

On September 28, 2009, Shelly Materials' staff and Dine Comply, Inc. performed a visible emissions observation compliance test, required by 40 CFR Part 60, Subpart OOO and PTIO P0103938, at the East Fultonham Facility, 6305 Saltillo Road, East Fultonham, on Emissions Unit F007 (aggregate processing). Ohio EPA received the test report on October 23, 2009. The test report has been reviewed and we have concluded that the test was not conducted according to the procedures specified in 40 CFR Part 60, Appendix A, U.S. EPA Test Method 9. The visible emission observation forms were not completed correctly and/or were incomplete.

Specifically, the majority of the Visible Emissions Observations Forms failed to document the position of the sun in relation to the observer and the emissions point. 40 CFR Part 60, Appendix A, U.S. EPA Test Method 9, requires the qualified observer shall stand at a distance sufficient to provide a clear view of the emissions with the sun oriented in the 140 degree sector to his back.

Please submit to this office, within 30 days of receipt of this letter, a plan and schedule for achieving compliance. Submit this plan to the attention of Joe Laughery.

Acceptance by Ohio EPA of a compliance plan and schedule does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

Please refer any questions concerning the above requirements to Joe Laughery, Ohio EPA Southeast District Office, at (740) 380-5234.

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Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Marco Deshaies". The signature is written in a cursive style with a large initial "M".

Marco Deshaies  
Environmental Specialist  
Division of Air Pollution Control

MD/mlm

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