



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

October 29, 2009

Re: Gallia County  
Shelly Liquid Division  
Facility ID # 0656000052  
NOV HPV-GC6, and GC-7

**Certified: 70073020000178847725**

Beth Mowrey  
Shelly Liquid Division  
PO Box 266  
Thornville, OH 43076

Dear Ms. Mowrey:

Shelly Liquid Division, Gallipolis facility (Shelly) has violated Ohio's air pollution laws, the Clean Air Act, and terms and conditions of your permits-to-install (PTIs). Specifically, Shelly failed to submit a Title V application, failed to comply with 40 CFR Part 60, Subpart Kb, failed to submit PTI applications for both loading racks, operated emission units (EUs) without the required controls, exceeded mass emission limits on all of the tanks, and failed to submit PTIs on both loading racks upon initial installation.

On April 6, 2009, Ohio EPA received Shelly's responses to U.S. EPA's request to provide information pursuant to section 114 of the Clean Air Act. Ohio EPA used the information provided by Shelly to calculate emissions from each emissions unit at the Gallipolis facility. Shelly has a potential-to-emit volatile organic compounds pollutants at a rate greater than 100 tons per year.

In accordance with Ohio Administrative Code (OAC) rule 3745-77-01(W)(2), Shelly is defined as a major stationary source, and therefore, is prohibited under OAC rule 3745-77-02(A) from operating unless a complete Title V application is submitted. In violation of OAC rule 3745-77-02(A), Shelly operated a Title V facility without submitting a complete Title V application.

Shelly conducted testing to measure the vapor pressure of the liquid asphalt stored at the Gallipolis facility and submitted the results to the U.S. EPA. According to the test results, Shelly stores liquid asphalt concrete, a volatile organic liquid (VOL) with a vapor pressure greater than 0.50 psia (3.5 kPa), in 11 separate tanks ranging in size of 840,000 gallons to 7.1 million gallons.

In accordance with 40 CFR Part 60, Subpart Kb, a storage vessel with a design capacity greater than 19,800 gallons containing a VOL that, as stored, has a maximum true vapor pressure greater than 3.5 kPa is subject to this rule. In violation of 40 CFR Part 60, Subpart Kb, Section 116b(c), Shelly failed to maintain a record of the VOL stored, the period of storage, and the maximum true vapor pressure of that VOL during the respective storage period.

Shelly operates four separate carbon adsorbing units to control volatile organic compounds from tanks one through thirteen and two loading racks. Shelly does not operate the four carbon units during November, December, January, and February of each year as part of their regular business operation. It was determined, and required in the PTIs for tanks 6 and 7, that the use of a carbon filtration system is required at all times to meet the best available technology (BAT) requirements.

In accordance OAC rule 3745-31-05(A)(3) and PTIs 06-05936 and 06-05773, Shelly shall employ BAT on tanks 6 and 7. In violation of 3745-31-05(A)(3), Shelly failed to employ BAT on tanks 6 and 7 by discontinuing use of the carbon adsorbing unit serving tanks 6 and 7 during the months of November, December, January, and February.

In violation of the following permit terms and conditions, (see table 1 below). Shelly has exceeded their emission limits since emissions units began operation:

Table 1 Permit Number	Tank Number and Capacity	Permit Limit (VOC)	Calculated VOC emissions during Nov. – Feb. 2008 (when controls are shut off)	VOC Potential to Emit
06-2395	Tank 1 – 2.25 Million Gallon AC Tank	< 1 tons	4.5 tons	13.7 tons
06-2395	Tank 2 – 2.25 Million Gallon AC Tank	< 1 tons	4.7 tons	14.4 tons
06-4296	Tank 3 – 2.25 Million Gallon AC Tank	Negligible	4.5 tons	13.7 tons
06-4296	Tank 4 – 840,000 Gallon AC Tank	Negligible	2 tons	6.1 tons
06-4296	Tank 5 – 840,000 Gallon AC Tank	Negligible	2.2 tons	6.7 tons
06-05573	Tank 6 – 6.3 Million Gallon AC Tank	0.3 tons	6.1 tons	18.5 tons
06-05936	Tank 7 – 6.3 Million Gallon AC Tank	0.3 tons	7.1 tons	21.4 tons
06-06923	Tank 10 – 2.25 Million Gallon AC Tank	0.9 tons	4.6 tons	14.2 tons
06-07018	Tank 11 – 7.14 Million Gallon AC Tank	1.75 tons	5.7 tons	17.2 tons
06-07018	Tank 12 – 7.14 Million Gallon AC Tank	1.75 tons	3.9 tons	11.7 tons
06-07018	Tank 13 – 7.14 Million Gallon AC Tank	1.75 tons	3.9 tons	11.7 tons
De minimis	Loading Rack 1	De minimis	5.1 tons	39.9 tons
De minimis	Loading Rack 2	De minimis	0.2 tons	4.8 tons
	Totals		54.5 tons	194 tons

Beth Mowrey  
Shelly Liquid Division  
October 29, 2009  
Page 3

Shelly applied for and obtained PTI 06-2395, issued 05/1989, to construct the Gallipolis facility. Shelly installed two loading racks and two tanks. Permits were obtained for the two tanks and, Shelly declared the loading racks as meeting the de minimis exemption according to OAC rule 3745-15-05(B).

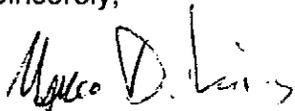
In accordance with OAC rule 3745-15-05(B), an air contaminant source is exempt from Chapter 3704, of the Ohio Revised Code unless the potential emissions from volatile organic compounds exceeds ten pounds per day. In violation of OAC rule 3745-15-05(B), Shelly exceeded 10 pounds per day in potential emissions for loading racks one and two.

In accordance with OAC rule 3745-31-02(A)(1), no person shall cause or permit the installation of any new source, without first obtaining a permit to install. In violation of OAC rule 3745-31-02(A)(1)(b), Shelly installed a new source, without obtaining a permit to install.

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 Marco Deshaies. 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.

Should you have any questions, feel free to contact me at (740) 380-5255 or email [marco.deshaies@epa.state.oh.us](mailto:marco.deshaies@epa.state.oh.us).

Sincerely,



Marco Deshaies  
Environmental Specialist II  
Division of Air Pollution Control  
Southeast District Office

MD/mlm

cc: Bruce Weinberg, DAPC/SEDO  
Lisa Holscher, U.S. EPA Region V  
Jim Orlemann, DAPC/CO  
Erik Hardin, U.S. EPA Region V  
Marco Deshaies, DAPC/SEDO File Copy