



December 7, 2012

**RE: Perry County
 Allied Corporation Plant #73
 Facility Id #:0664980003
 EU #: P901
 HPV-GC8 Notice of Violation
 COMPLIANCE TEST**

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

Dear Ms. Mowrey:

On October 9, 2012, The Shelly Company performed a particulate, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds emissions compliance test at Allied Corporation Asphalt Plant #73 (Plant 73), 3848 Erie S.W., Massillon, Ohio. The compliance test was performed on Emissions Unit (EU) P901, a maximum rated 400 tons per hour asphalt plant, while the plant was operating at 258 tons per hour, while burning natural gas, processing asphalt mix that contained 35% recycled asphalt products, and 14.5% slag sand (#10s). The test was performed to meet the requirements of permit-to-install and operate (PTIO) P0104296, which was issued on April 20, 2009. Ohio EPA received the test report on November 21, 2012. The test report has been reviewed and we have concluded that the test was performed according to the procedures specified in 40 CFR Part 60, Appendix A, U.S. EPA Test Methods 1 – 5, 6, 7E, 9, 10 and 25. The results of the test indicate that EU P901 is not in compliance with the applicable Ohio EPA regulations and permit terms and conditions for carbon monoxide and sulfur dioxide when using slag.

Plant 73 permit requirements and test results for EU P901:

P901 –Fuel – natural gas	Tested Emission Rate:	Allowable Emission Rate:	Source Operating Rate:	Maximum operating rate:
Particulate emissions	0.0047 gr/dscf	0.03 gr/dscf	258 tons/hr	400 tons/hr
Sulfur dioxide	2.84 lbs/hr	3.3 lbs/hr	258 tons/hr	400 tons/hr
Nitrogen oxides	4.55 lbs/hr	10.4 lbs/hr	258 tons/hr	400 tons/hr
Carbon monoxide	28.07 lbs/hr	20.0 lbs/hr	258 tons/hr	400 tons/hr
Volatile organic compounds	1.91 lbs/hr	8.0 lbs/hr	258 tons/hr	400 tons/hr

Sulfur dioxide when using slag	0.76 lb/ton	0.53 lb/ton	258 tons/hr	400 tons/hr
Visible Particulate Emissions	0% opacity on all three runs	20% opacity as a 6-min average	258 tons/hr	400 tons/hr

Deficiencies

During the compliance test, P901 reached 65% of the maximum operating rate. Because the plant is capable of operating at a rate greater than the tested rate, if at any time you exceed the October 9, 2012, tested operating rate by 10% or greater (283.8 TPH), you will be required to re-test at the highest achievable operating rate greater than the October 9, 2012, operating rate within 45 days.

The Shelly Company reported an exceedence of the carbon monoxide emissions limit and indicated that a review of the plant process was performed and the solution is a permit modification. Please submit to this office, within 30 days of receipt of this letter, a detailed report of the plant process review, including any measurements that were taken and a narrative describing why the plant cannot meet the existing emissions limits. Also, include what changes were made to the plant since August 11, 2009, which is the date of the last emissions test when the tested CO emissions rate was lower than the allowable. Submit this plan to the attention of Sandy Colegrove.

The Shelly Company reported an exceedence of the sulfur dioxide emissions while using slag. On May 6, 2012, Ohio EPA received your administrative modification request to increase the slag emission factor and we are reviewing your request.

The Shelly Company failed to provide Ohio EPA the required 30 days or greater notification of the intent to perform a compliance test, which is a deviation from the permit terms and conditions and must be reported on the appropriate quarterly deviation report.

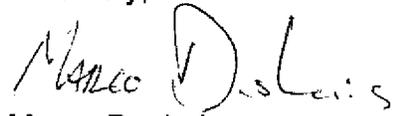
Acceptance by Ohio EPA of any submissions requested herewith does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later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

Please refer any questions concerning the above requirements to Sandy Colegrove, Ohio EPA, Division of Air Pollution Control, at (740) 380-5201 or Sandy.Colegrove@epa.ohio.gov.

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The Shelly Company, Plant 73
October 09, 2012 emissions test
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Thank you for your cooperation in this matter.

Sincerely,

A handwritten signature in black ink that reads "Marco Deshaies". The signature is written in a cursive style with a large initial "M" and "D".

Marco Deshaies
Environmental Specialist
Division of Air Pollution Control

MD/cs

cc: Sandy Colegrove, DAPC-SEDO (Emissions Unit File Copy)
Marco Deshaies, DAPC-SEDO
Dean Ponchak, DAPC-SEDO
Bruce Weinberg, DAPC-CO
Brian Dickens, U.S. EPA, Region V
Test Report File Copy