



John R. Kasich, Governor
 Mary Taylor, Lt. Governor
 Scott J. Nally, Director

December 24, 2012

**RE: Perry County
 Allied Corporation Plant #74A
 Facility Id #:0664008959, EU #: P901
 HPV-GC8 Notice of Violation
 COMPLIANCE TEST**

CERTIFIED: 70102780000197061647

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

Dear Ms. Mowrey:

On October 15 and 16, 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 #74A (Plant 74A), 1661 Bailey Road, North Jackson, Ohio. The compliance test was performed on Emissions Unit (EU) P901, a maximum rated 500 tons per hour asphalt plant, while the plant was operating at 310.95 tons per hour, while burning natural gas, and processing asphalt mix that contained 25% recycled asphalt products. The test was performed to meet the requirements of permit-to-install and operate (PTIO) P0108959, which was issued on March 22, 2012. 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, and 10. The results of the test indicate that EU P901 is not operating in compliance with the applicable Ohio EPA regulations and permit terms and conditions for nitrogen oxides.

Plant 74A permit requirements and test results for EU P901:

P901 –Fuel – nat. gas	Tested Emission Rate:	Allowable Emission Rate:	Source Operating Rate:	Maximum operating rate:
Particulate emissions	0.0029 gr/dscf	0.03 gr/dscf	311 tons/hr	500 tons/hr
Sulfur dioxide	0.002 lb/ton	0.011 lb/ton	311 tons/hr	500 tons/hr
Nitrogen oxides	0.035 lb/ton	0.026 lb/ton	311 tons/hr	500 tons/hr
Carbon monoxide	0.062 lb/ton	0.09 lb/ton	311 tons/hr	500 tons/hr
Volatile organic compounds	1.91 lbs/hr	8.0 lbs/hr	311 tons/hr	500 tons/hr
Visible particulate emission	0% opacity on all three runs	20% opacity as a 6-min average	311 tons/hr	500 tons/hr

Deficiencies

During the compliance test, P901 reached 62% of the maximum rated 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 15 and 16, 2012, tested operating rate by 10% or greater (342.1 TPH), you may be required to re-test at the highest achievable operating rate greater than the October 15 and 16, 2012, operating rate within 45 days.

The Shelly Company has indicated that the plant was operating correctly, but because of plant variation, using a lb/ton emission factor and operating at a lower TPH, this test is not representative of the emissions at Plant 74A. Please submit a more detailed explanation of why you believe these three factors contributed to Plant 74A exceeding the NOx emissions limit. The test report indicates that during Run #1, Plant 74A was operated at a much higher rate (85% of max) and as expected the emissions go up correspondingly, with the exception of SO₂.

Please submit to this office, within 30 days of receipt of this letter, a detailed report of what information/data was reviewed and the conclusions that were made. Submit this plan to the attention of Sandy Colegrove.

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 the requested information 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.

Thank you for your cooperation in this matter.

Sincerely,



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