



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

December 12, 2012

**RE: Perry County  
 Shelly Materials Plant #80  
 Facility Id #:0664980004  
 EU #: P901  
 COMPLIANCE TEST  
 HPV-GC8 Notice of Violation**

**CERTIFIED: 70102780000197062231**

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

Dear Ms. Mowrey:

On September 20, 2012, The Shelly Company performed a particulate, sulfur dioxide, nitrogen oxides, carbon monoxide, and volatile organic compounds emissions compliance test at The Shelly Company, Asphalt Plant #80 (Plant 80), 1558 County Rd 105, Belle Center, OH. The compliance test was performed on Emissions Unit (EU) P901, a maximum rated 300 tons per hour asphalt plant, while the plant was operating at 273 tons per hour, firing used oil and processing an asphalt mix that contained 20% recycled asphalt products and shingles. The test was performed to meet the requirements of permit-to-install and operate (PTIO) P0106163 which was issued on July 25, 2011. Ohio EPA received the test report on October 23, 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, 6C, 7E, 9, 10, and 25. The results of the test indicated that EU P901 was not operating in compliance with the applicable Ohio EPA regulations and permit terms and conditions for nitrogen oxides and sulfur dioxide.

**Plant 80 permit requirements and test results for EU P901:**

P901 –Fuel – used oil	Tested Emission Rate:	Allowable Emission Rate:	Source Operating Rate:	Maximum operating rate:
Sulfur dioxide	<b>20.31 lbs/hr</b>	<b>7.0 lbs/hr</b>	273 tons/hr	300 tons/hr
Nitrogen oxides	<b>22.26 lbs/hr</b>	<b>13.8 lbs/hr</b>	273 tons/hr	300 tons/hr
Carbon monoxide	57.06 lbs/hr	69.7 lbs/hr	273 tons/hr	300 tons/hr

On June 5, 2012, The Shelly Company conducted a compliance emissions test that resulted in exceedences for NO<sub>x</sub> and SO<sub>2</sub>. The Shelly Company notified the Agency that the aggregate mix during the test was a potential cause for the exceedences and on August 1, 2012, Ohio EPA requested The Shelly Company to provide a detailed report of the analysis that was conducted by The Shelly Company as part of your compliance plan. The Shelly Company failed to provide the requested information.

After a review of the September 20, 2012, test report, it appears that a similar mix formula was used during both testing events and the results of the tests were similar to the June 5, 2012, test. Both tests resulted in exceedences of the NO<sub>x</sub> and SO<sub>2</sub> permit limits. Please submit a detailed report of both testing events as part of your compliance plan. In your response to this letter, please detail what changes have been made to the plant or raw material mix since the June 5, 2012, and September 20, 2012 tests along with a time-line for those changes. The Shelly Company has notified the agency that they intend to submit a request to increase the short term emissions limits. The compliance plan requested above will be used in part to determine if a change in emissions limits is warranted.

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 Sandy Colegrove, Ohio EPA, Division of Air Pollution Control, at [Sandy.Colegrove@epa.ohio.gov](mailto:Sandy.Colegrove@epa.ohio.gov). or (740) 380-5201

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