



PORTSMOUTH LOCAL AIR AGENCY

USEPA AND OEPA REPRESENTATIVE FOR ADAMS, BROWN, SCIOTO AND LAWRENCE COUNTIES
605 Washington Street, Third Floor, Portsmouth, Ohio 45662 (740) 353-5156 Fax (740) 353-3638

September 15, 2011

CERTIFIED MAIL

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

Re: Notice of Violation

Dear Ms. Mowrey:

Our office is in receipt of the emission compliance test report for Shelly Materials #47 hot mix asphalt facility (OEPA ID P901), located at 851 West Scioto Street, Lucasville, Ohio, conducted on July 7th, 2011. The purpose of the stack test was to determine compliance with the unit's allowable mass emissions rates for Particulate Matter (PM), Carbon Monoxide (CO), Sulfur Dioxide (SO₂), Nitrogen Oxides (NO_x), and Volatile Organic Compounds (VOC) at the baghouse exhaust stack, as required by PTIO P0091352, issued on February 11, 2011. The allowable mass emission rates for this unit are 0.92 pound per hour SO₂, and 1.64 pounds per hour VOC pursuant to Ohio Administrative Code (OAC) 3745-31-05(A)(3). The test results submitted show the average SO₂ emissions to be 0.94 pound per hour and the average VOC emissions to be 9.01 pounds per hour during the July 7, 2011 compliance test. The maximum production rate achieved during the compliance test was an average of 142.52 tons per hour or approximately 71% of the emission units maximum operating capacity. Ohio EPA and USEPA policy and the terms and conditions of PTIO P00091352 requires compliance testing to be conducted while the emissions unit is operating at or near its maximum capacity.

This office has found the failure to demonstrate compliance with the allowable mass emission rates for SO₂ and VOC to be in violation of OAC rule 3745-31-05(A)(3).

This agency is requesting that within thirty days of receipt of this letter, The Shelly Company submit a compliance schedule which outlines the steps it will take to bring the abovementioned source into compliance, the dates by which each step will be completed, and a projected date when emissions testing will be conducted to demonstrate compliance with the facility's permit terms and conditions. Also requested is a description of any interim measures The Shelly Company has taken to return to compliance.

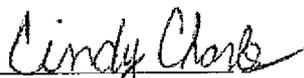
Acceptance by the Ohio EPA of this information does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination whether or not to pursue such penalties in this case will be made by the Ohio EPA at a later date.

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If you are unable to respond to any part of this request, within the time frame discussed above, please inform us and explain so that we may be of assistance.

If you have any questions or need additional information, please contact me (740) 353-5156.

Sincerely,



Cindy Charles
Director
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC
William McDowell, USEPA