



## 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  
Phillip H. Thompson - Director

February 15, 2007

### *CERTIFIED MAIL*

Mr. Larry Shively  
The Shelly Company  
P.O. Box 266  
Thornville, OH 43076

Re: Notice of Violation

Dear Mr. Shively:

Our office is in receipt of the emission compliance test report for Shelly Materials #43 hot mix asphalt facility (OEPA ID P901), located at 848 Plum Run Road, Peebles, Ohio, conducted on October 4th, 2006. 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 (SO<sub>2</sub>), Nitrogen Oxides (Nox), and Total Gaseous Nonmethane Organics (TGNMO) at the baghouse exhaust stack, as required in PTI 07-00530, issued on April 21, 2004. The allowable mass emission rates for this unit are 39.2 pounds per hour CO, and 16.2 pounds per hour Nox pursuant to Ohio Administrative Code (OAC) 3745-31-05(A)(3). The test results submitted show the average CO emissions to be 61.82 pounds per hour and the average Nox emissions to be 23.07 pounds per hour during the October 4, 2006 compliance test.

This office has found the failure of complying with the allowable mass emission rates for CO and NOx to be in violation of OAC rules 3745-31-05(A)(3).

This agency is requesting within thirty days of receipt of this letter, that The Shelly Company please submit a compliance schedule which outlines the steps to be taken to bring the abovementioned source into compliance, and the dates by which each step will be completed. Also requested is a description of the interim measures The Shelly Company has taken to ensure ongoing 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 to pursue or decline 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 Matthew Freeman at (740) 353-5156.

Sincerely,



Phillip H. Thompson  
Director  
Portsmouth Local Air Agency

cc: John Paulian, OEPA, DAPC  
Lisa Holscher, USEPA