



Environmental
Protection Agency

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

FILE COPY

January 12, 2012

Mrs. Beth Mowrey
Vice President Environmental
The Shelly Company
8775 Blackbird Road
Thornville, OH 43076

Re: Emissions testing reports submitted for Shelly Materials Plant 94 (0145000399) on
September 21, 2011 and **Notice of Violation**

Dear Mrs. Mowrey:

Ohio EPA, Central District Office (CDO) has completed a review of the above referenced emissions testing report for your facility located at 7661 Taylor Road in Reynoldsburg. This compliance demonstration was a requirement of air permit-to-install and operate (PTIO) number P0108020.

Finding

After a review of the report, CDO has determined that emissions unit P901 is not complying with the permitted allowable emission rate for volatile organic compounds (VOC). PTIO number P0108020, issued on May 5, 2011, limits emissions to 37.6 pounds of VOC per hour. Results from the emissions testing conducted on August 4 and 5, 2011 indicate that emissions unit P901 is emitting 49.9 pounds of VOC per hour.

Since the time of the above referenced test, The Shelly Company (Shelly) has conducted additional emissions testing under alternative operating conditions in order to gain insight into the emissions from P901. This additional testing, conducted on October 7, 2011, demonstrated that P901 can meet the permitted VOC emission limit when employing 14% RAP. However, the applicable permit requires that compliance be demonstrated under "maximum capacity", which is reflected in part by the use of 30% RAP. In order to address this compliance issue, it is CDO's understanding (based upon information contained in the cover letter of the emissions testing report submitted on December 5) that Shelly intends to submit a Chapter 31 modification request.

CDO does not believe that Shelly's proposed submittal of a Chapter 31 modification request to be the most appropriate compliance remedy at this time. Rather, CDO believes that other avenues for returning to compliance should be explored. These other avenues for returning to compliance include, but are not limited to, additional burner tuning, additional plant maintenance and or the installation of readily available technology in the form of automated burner controls (or something similar such as that found on Shelly Plant 24).

Central District Office
50 West Town Street, Suite 700
P.O. Box 1049
Columbus, OH 43216-1049

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www.epa.ohio.gov

Violation

The above described excess emissions represent a violation of PTIO number P0108020 and ORC 3704.05(C).

Ohio Revised Code (ORC) 3704.05(C) states,

"No person who is a holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

Requested Action

CDO is now requesting Shelly to submit the following compliance plan and schedule within 30 days of receipt of this letter.

<u>Activity</u>	<u>Milestone Dates</u>
1. Date by which Shelly will identify all maintenance activities remaining to be performed, including repairs to the combustion process, related to the minimization of emissions	_____
2. Award contracts for repairs/maintenance activities associated with the combustion process that are necessary to minimize emissions; or, issue orders for the purchase of component parts to accomplish repairs and maintenance activities	_____
3. Date by which Shelly will conduct all maintenance activities and repairs remaining to be performed, which are related to the minimization of emissions	_____
4. Submit an Intent to Test notification by	_____
5. Conduct compliance demonstration by	_____

Please note that the Ohio Environmental Protection Agency (EPA) has the authority to seek civil penalties as provided in section 3704.06 of the ORC. This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

Mrs. Beth Mowrey
The Shelly Company
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If you have any questions please do not hesitate to contact Todd Scarborough of my staff at (614) 728-3813.

Sincerely,

A handwritten signature in cursive script that reads "Kelly Toth".

Kelly Toth
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office, Ohio EPA

c: Todd Scarborough, DAPC/CDO

KT/cd NOV Shelly 94 January 10, 2012