



**Environmental  
Protection Agency**

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

Re: Auglaize County  
The Shelly Company  
0306000125  
Return to Compliance

August 16, 2012

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

Re: Resolution to notice of violation (NOV) issued October 25, 2011

Dear Ms. Mowrey:

This letter shall serve as a notice of resolution to the NOV issued to The Shelly Company (0306000125) on October 25, 2011. The NOV was issued in response to a testing event conducted on August 25, 2011, during which emissions unit P901(300 tph, parallel-flow drum mix asphalt plant with a 75,000 acfm baghouse) failed to meet the permitted emission limit for NOx while burning on -spec used oil or number 2 fuel oil.

Pollutant	Actual Emission Rate	Allowable Emission Rate	Source Operating Rate	Maximum Source Operating Rate <sup>1</sup>
NO <sub>x</sub>	0.08 lb/ton asphalt	0.075 lb/ton asphalt	201.9 TPH	300 TPH

This exceedance of the allowable emissions rate for NOx was a violation of the Permit to Install and Operate (PTIO) P0107637 (issued March 3, 2011) permit term and condition C.1.(b)(1)(a), OAC rule 3745-31-05(A)(3)(a) and Ohio Revised Code 3704.05.

To address this violation the company submitted an administrative modification request on January 12, 2012, to increase the permitted NOx allowable emission rate based on the stack test data. In response to this request, PTIO P0109319 was issued on March 31, 2012, increasing the permitted NOx emission limit from 0.075 lb/ton to 0.10 lb/ton, effectively mediating the testing violation and making the results acceptable.

<sup>1</sup> Maximum Source Operating Rate (MSOR) is defined as the condition that is most likely to challenge the emission control measures with regards to meeting the applicable emission standard(s). Although it generally consists of operating the emissions unit at its maximum material input/production rates and results in the highest emission rate of the tested pollutant, there may be circumstances where a lower emissions loading is deemed the most challenging control scenario. Failure to test at the MSOR is justification for not accepting the test results as a demonstration of compliance.

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The violation noted in the NOV letter has been addressed and considered resolved. Please note, however, that this does not preclude the Director from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

If you have any questions and/or comments concerning this letter, please feel free to contact me at the above address, by calling (419) 373-3134 or by e-mail at [wendy.licht@epa.state.oh.us](mailto:wendy.licht@epa.state.oh.us)

Sincerely,



Wendy Licht  
Environmental Specialist  
Division of Air Pollution Control

/llr

ec: Jennifer Jolliff, DAPC-NWDO  
Bruce Weinburg, DAPC-CO  
Tom Sattler, DAPC-NWDO  
Mark Budge, DAPC-NWDO  
Wendy Licht, DAPC-NWDO  
William MacDowell, US EPA Region V