



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

August 10, 2009

Re: Perry County
The Shelly Company
Various facilities
Notice of Violation

Certified: 70063450000190558331

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

Dear Ms. Mowrey:

This letter summarizes violations that have been discovered by Ohio EPA for multiple air contaminant sources owned by The Shelly Company. The Shelly Company has repeatedly moved portable facilities before acquiring relocation approval. Most recently, this has been demonstrated in the case of the following facilities:

Facility ID	Facility Name	EU #	EU Description
0664960029	Stoneco Generator 21.8809	B003	Diesel generator 600Kw
0664000130	Allied Generator 21.1261	P001	CAT diesel generator 306HP
0664960072	Shelly Materials 21.0307	P001	CAT 3406 diesel generator 550 HP

1. On June 11, 2009, Joseph Laughery with Ohio EPA Southeast District Office (SEDO) visited 6305 Saltillo Road, East Fultonham, OH 43735, a proposed site for Stoneco Generator 21.8809, and discovered that the facility had already been relocated to the proposed site and operating for approximately a month.
2. On June 8, 2009, I e-mailed you a property owner preapproval form for Allied Generator 21.1261 requesting that you have the form signed by the owners of the properties on your 15-day request and submitted to Ohio EPA, SEDO. On June 16, 2009, Sarah Harter sent you an e-mail informing you that you would need to resubmit the 15-day request with the required property owner preapproval form and that your resubmittal needed to be filed on a per county basis. None of the required forms have been resubmitted and, therefore, no relocation requests have been approved. On July 28, 2009, Michael Carper with

Ohio EPA, SEDO visited Allied Plant 76 located at 2100 West Third Street Cleveland, OH 44113, a proposed site for Allied Generator 21.1261, and discovered that facility had already been relocated to the proposed site.

3. On June 16, 2009, you were notified that the Intent to Relocate Shelly Materials Generator #21.0307 to 1558 County Road 105 Belle Center, OH 43310 was not properly submitted and that you needed to resubmit the request and identify the county to which the facility was going to be relocated to. The required form has not been resubmitted. On July 29, 2009, our office received confirmation from Terry Sanner of Ohio EPA Southwest District Office, that Shelly Materials Generator # 21.0307 had already been relocated without Director's approval.

The relocation of portable facilities without the approval of the Director is a violation of OAC rule 3745-31-03(A)(1)(p). Some of these violations are or have been of an ongoing nature. Please be advised that the acceptance of information or compliance schedules does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.6 of the Ohio Revised Code. The determination to pursue or to decline penalties for all violations noted above will be made at a later date.

If you have any questions about this letter, please contact me at 740-380-5228.

Sincerely,



Erika Jackson
Environmental Specialist II
Division of Air Pollution Control

EJ/mlm

Cc: Jim Orlemann, CO/DAPC
Lisa Holscher, U.S. EPA Region V
Dave DeChant, Cleveland Local Air Authority
Terry Sanner, SWDO/DAPC
Bruce Weinberg, SEDO/DAPC



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Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

December 10, 2009

RE: Perry County
The Shelly Company
Facility: various
Notice of Violation – Return to Compliance

Certified: 70073020000178847985

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

Dear Ms. Mowrey:

This letter is to inform you that the following facilities have been returned to compliance:

Facility ID	Facility Name	EU #	EU Description
0664000130	Allied Generator 21.1261	P00 1	CAT diesel generator 306HP
0664960072	Shelly Materials 21.0307	P00 1	CAT 3406 diesel generator 550 HP

Ohio EPA received your "Response to Notice of Violation" on November 4, 2009. You have indicated that Allied Generator 21.0307, serial number 6TS13590, has been moved to cold storage located in Findlay, Ohio.

On September 17, 2009, The Shelly Company submitted a 30-day "Intent to Relocate" notice for Allied Generator 21.1261, Facility ID 066400130. This relocation was approved on September 29, 2009.

If you have any questions about this letter, please contact me at 740-380-5228.

Sincerely,

Erika Jackson
Environmental Specialist II
Division of Air Pollution Control

EJ/mlm