



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

March 5, 2013

Ms. Beth Mowrey
Vice President – Environmental
PO Box 266
Thornville, OH 43076

**RE: Logan County, Shelly Materials, Inc.–Belle Center, Compliance Evaluation
Inspection and Notice of Violation**

Dear Ms. Mowrey:

On February 20, 2013, I conducted a Compliance Evaluation Inspection at the Shelly Materials, Inc., Belle Center facility (NPDES Permit No. OH0010456; OEPA Permit No. 11J00019*FD). As part of the inspection process a compliance evaluation was performed on the data submitted in monthly Discharge Monitoring Reports. Effluent limit violations were discovered for the period of time reviewed (November 2007 to February 2013 – see Attachment 1). A copy of my inspection report and the General Lab Criteria is enclosed.

This letter also serves as a Notice of Violation for the Effluent Limit Violations, the failure to perform the inspections as required in the Storm Water Pollution Prevention Plan and for the failure to maintain the Storm Water Pollution Prevention Plan.

The Records/Reports section is being rated as "Unsatisfactory". The reason for this rating is due to the failure to perform the required inspections and failure to maintain an updated version of the Storm Water Pollution Prevention Plan.

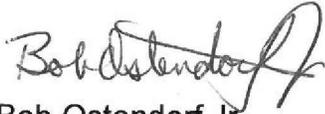
The Laboratory, Self-Monitoring Program and Operation & Maintenance sections of the inspection are being rated as "Marginal". The reason for the "Marginal" rating for the Operation & Maintenance section is due to the required signs not being present at the time of the inspection. The reason for the "Marginal" rating for the Laboratory and Self-Monitoring sections is related to the deficiencies identified during the review of the General Lab Criteria. It should be noted that the Ohio EPA recently developed the General Lab Criteria and said criteria had not been used during previous inspections of the facility.

Please inform this office, in writing, within ten days of receipt of this notification as to a description of the actions taken or proposed to address the violations identified during the inspection. Your response should include the dates, either actual or proposed, for completion of said actions.

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If you have any questions regarding this matter, please feel free to contact me at (937) 285-6107 or via email at: Robert.Ostendorf@epa.state.oh.us.

Sincerely,

A handwritten signature in black ink that reads "Bob Ostendorf Jr." with a stylized flourish at the end.

Bob Ostendorf Jr.
Environmental Specialist
Division of Surface Water

BO/kb

Enclosure(s)



State of Ohio Environmental Protection Agency
Southwest District Office

NPDES Compliance Inspection Report

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
11J00019*FD	OH0010456	2/20/13	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Shelly Materials, Inc. – Belle Center 1558 County Road 105 Belle Center, OH 43310	9:30	March 1, 2009
	Exit Time	Permit Expiration Date
	11:30	March 31, 2013
Name(s) and Title(s) of On-Site Representatives	Phone Number(s)	
Mr. Bill Rowe, Quarry Superintendent Shara Kay Dine, Dine Incorporated	800-686-9881 740-389-2079	
Name, Address and Title of Responsible Official	Phone Number	
Ms. Beth Mowrey Vice President – Environmental PO Box 266 Thornville, OH 43076	740-246-6315	

Section C: Areas Evaluated During Inspection					
(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)					
S	Permit	N	Flow Measurement	N	Pretreatment
U	Records/Reports	M	Laboratory	N	Compliance Schedule
M	Operations & Maintenance	N	Effluent/Receiving Waters	M	Self-Monitoring Program
N	Facility Site Review	N	Sludge Storage/Disposal	N	Other
N	Collection System				

Section D: Summary of Findings (Attach additional sheets if necessary)	
See Attached Summary of Findings / Comments	
Inspector	Reviewer
 Bob Ostendorf Jr. Environmental Specialist Division of Surface Water Southwest District Office	 Martyr Burt Compliance & Enforcement Supervisor Division of Surface Water Southwest District Office
3-5-13 Date	3/5/13 Date

Summary of Findings / Comments

During the inspection it was discovered that the facility has not been maintaining the Storm Water Pollution Prevention Plan. Mr. Don Jolly was listed in the plan and has not been employed at this site for quite some time. It was also discovered that the monthly inspections which are to be performed per the Storm Water Pollution Prevention Plan were not being completed as required. The training documentation related to the Storm Water Pollution Prevention Plan was not available at the time of the inspection. The most recent version of the Storm Water Pollution Prevention Plan on file at the Ohio EPA is dated January 9, 2008. The most recent version of the Storm Water Pollution Prevention Plan on file at the facility is dated March 19, 2009.

During the inspection Mr. Rowe indicated that either he or Mr. Brian Clark (QC Technician) performed the monitoring which is required at outfall 11J00019001. Mr. Rowe said that Mr. Clark calibrated the pH meter about every other month. I informed Mr. Rowe that the pH meter should be calibrated with each use. Mr. Rowe and I also discussed chain of custody documentation requirements. I inquired about written Standard Operating Procedures for the sampling and analysis being performed. Mr. Rowe indicated that the facility did not have a written Standard Operating Procedure. I explained to Mr. Rowe that the Ohio EPA has developed "General Lab Criteria" and all facilities are required to comply with the criterion that is applicable to their facility. I told Mr. Rowe that I would include a copy of the General Lab Criteria with the inspection report for his use.

During the site review each outfall was inspected. Outfall 11J00019001 had the required sign present. Outfalls 11J00019002, 11J00019003, 11J00019004 did not have a sign present. It appeared that the facility had installed the signs but due to various activities the signs were no longer in place as required. During the inspection I indicated to Mr. Rowe that the signs would need to be replaced and reinstalled per the requirements found in NPDES permit 11J00019*FD. Mr. Rowe indicated that he would order new signs and have them installed within the next week or so. Subsequent to the inspection Mr. Rowe emailed me pictures of the signs which have been reinstalled.

At the end of the inspection we discussed the renewal of permit 11J00019*FD. Mr. Rowe and Ms. Dine requested that a copy of the draft permit be sent to Ms. Mowrey for review. Ms. Dine inquired about the incorporation of Benchmark monitoring into the permit. I told them that it was my understanding that sector specific requirements would be included into the permit.

ATTACHMENT 1
EFFLUENT LIMIT VIOLATIONS
(Period of Review: November 1, 2007 – February 1, 2013)

Reporting Period	Parameter	Limit Type	Limit	Reported Value	Violation Date
February 2009	TSS	Monthly Conc	20.0	26.	2/1/2009
March 2012	TSS	Monthly Conc	20.0	22.	3/1/2012

General Lab Criteria

Criteria	Standard Methods Requirement		Rating
Incubator (CBOD/ E-Coli)			Acceptable?
• Temperature Recordkeeping	• Temperature checked / recorded twice daily for each shelf in use ¹ (E-Coli)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Temperature checked / recorded daily ² (CBOD)	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Acceptable temperature range (CBOD) is 20° C ±1.0° ¹²	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Acceptable temperature range (E-Coli) is 35° C ±0.5° ²²	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Logbook maintained ²	<input type="checkbox"/> Yes <input type="checkbox"/> No	
• Temperature Calibration / Documentation	• Thermometer calibrated annually with NIST traceable thermometer ^{1,2}	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Temperature correction information posted on incubator ¹	<input type="checkbox"/> Yes <input type="checkbox"/> No	
• E-Coli can use multiple tubes (five 20 ml or ten 10 ml), or mfg's multi-well tray	• E-coli Ultraviolet lamp (365 nm wave length, 6 W bulb) ²³	<input type="checkbox"/> Yes <input type="checkbox"/> No	
• Other	• Instrument manual available	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Temperature Log (thermometer accurate to 0.5 Celsius). ¹	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Comments: :

Criteria	Standard Methods Requirement		Rating
Refrigerator			Acceptable?
• Temperature Recordkeeping	• Temperature Log (thermometer accurate to 0.5 Celsius). ⁵	<input type="checkbox"/> Yes <input type="checkbox"/> No	
• Temperature Calibration / Documentation	• Thermometer calibrated annually with NIST traceable thermometer ^{1,2}	<input type="checkbox"/> Yes <input type="checkbox"/> No	
• Other	• Thermometer held in water bath. ¹	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Refrigerator temperature ≤6° Celsius. ¹³	<input type="checkbox"/> Yes <input type="checkbox"/> No	
	• Do not store volatile solvents, food, or beverages. ¹⁴	<input type="checkbox"/> Yes <input type="checkbox"/> No	

Comments:

General Lab Criteria

Criteria	Standard Methods Requirement	Acceptable?		Rating
Chlorine Meter				
• Calibration Frequency / Documentation	• pH / millivolt meter read to 0.1 mV ¹⁵	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Calibration verification required for testing over long period of time (e.g. 12 hrs.), or after a large number of samples (every 10 samples) ³	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Calibration Method	• Calibration using three iodate solutions 0.2, 1.0, 5.0 milliliters or calibration per manufacturer specification ¹⁶	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Standards used for calibration not expired	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Slope Documentation / Acceptability	• Calibration curve (acceptable slope)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Other	• Electrode free of deposits and foreign material	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Log book being maintained. ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Instrument manual available	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Comments :				

Criteria	Standard Methods Requirement	Acceptable?		Rating
Ammonia Meter				
• Calibration Frequency / Documentation	• Calibration verification required for testing over long period of time (e.g. 12 hrs.), or after a large number of samples (every 10 samples) ³	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Log book being maintained ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Slope acceptability	• Verify calibration slope is acceptable (per mfg. spec.).	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Calibration Method	• Standards used for calibration (3 ammonia solutions of 10 mg/l, 1 mg/l, and 0.1 mg/l) or per mfg. spec. ¹⁷	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Standards used for calibration not expired	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Other	• Electrode free of deposits and foreign material	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Teflon covered magnetic stirrer or equivalent for mixing ¹⁸	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Instrument manual available	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
Comments :				

General Lab Criteria

Criteria	Standard Methods Requirement	Acceptable?		Rating
Sample Collection/Handling				
• Sample Labeling	• Samples container labeled (description, date, time, preservative added, initialed). ¹⁹	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Chain of Custody	• Chain of custody (description, date, time, signature). ¹⁹	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Other	• Composite samples refrigerated during sample collection ¹⁴	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Equipment blanks utilized ¹⁴	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• SOP for cleaning of sampling equipment	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Logbook being maintained ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Comments:

Criteria	Standard Methods Requirement	Acceptable?		Rating
Desiccator				
• General criteria	• Properly working seals.	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Desiccant fresh (blue color)	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Documentation	• Log book being maintained ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Comments:

Criteria	Standard Methods Requirement	Acceptable?		Rating
Bench sheets				
• General criteria	• Date(s) ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Analyst initials ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Blue or black ink pen ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Calibration information ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Equations, calculations, units for all measurements, notations, and results present ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Corrections, single line through, initialed and dated ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Comments:

General Lab Criteria

Criteria	Standard Methods Requirement	Acceptable?		Rating
Hot Water Bath (Fecal Coliform/E. Coli)				
• Temperature Recordkeeping	• Temperature Log (thermometer accurate to 0.2° C) ²¹	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Incubator temperature 44.5° C ± 0.2° ^{21/24}			
• Temperature Calibration / Documentation	• Thermometer calibrated annually with NIST traceable thermometer ^{1, 2}	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Log book being maintained ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Water Level	• Thermometer total immersion or partial (line on thermometer to ID immersion depth) ^{1, 5}	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Comments:

Criteria	Standard Methods Requirement	Acceptable?		Rating
Autoclaves/Steam Sterilizers				
• All apparatus utilized is adequately sterilized before use	• Sterilizing temperature 121° C ²⁵	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• 10 to 30 minutes time based on material being sterilized ²⁶	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Documentation	• Verify the autoclave temperature weekly by using a maximum registering thermometer (MRT) to confirm that 121°C has been reached as measured in the exhaust. ¹	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Date, contents, sterilization time and temperature, total time in autoclave, and analyst's initials should be recorded each time the autoclave is used ¹	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Temperature Calibration / Documentation	• Thermometer calibrated annually with NIST traceable thermometer ^{1, 2}	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
	• Log book being maintained ²	<input type="checkbox"/> Yes	<input type="checkbox"/> No	
• Performance Checks	• Test monthly for efficacy using a biological such as commercially available <i>Geobacillus stearothermophilus</i> in spore strips, suspensions, or capsules ¹	<input type="checkbox"/> Yes	<input type="checkbox"/> No	

Comments:

General Lab Criteria

Criteria	Standard Methods Requirement	Rating
Final Effluent Temperature Monitoring		Acceptable?
• General Criteria	• Thermometer calibrated annually with NIST traceable thermometer ^{1,2}	<input type="checkbox"/> Yes <input type="checkbox"/> No
	• Thermometer scaled to 0.1° Celsius and accurate to 0.5° C ⁵	<input type="checkbox"/> Yes <input type="checkbox"/> No
	• Log book being maintained ²	<input type="checkbox"/> Yes <input type="checkbox"/> No
Comments:		
Number of Criteria Rated:		Acceptable
		Marginal
		Unacceptable
		Total Number of Areas Rated
<p>Acceptable Ratings – No action required (recommend SOP's written or updated, perform DMRQA's for all onsite analysis, recommend voluntary lab analyst certification, written response not required).</p>		
<p>Marginal Ratings – Improvements required, written response required (recommend SOP's be written or updated, recommend they perform DMRQA's for all onsite analysis, recommend voluntary lab analyst certification, require deficiencies to be addressed in written response).</p>		
<p>Unsatisfactory Rating - Improvements required, written response required, NOV issued (recommend SOP's be written or updated, recommend they perform DMRQA's for all onsite analysis, recommend voluntary lab analyst certification, require deficiencies to be addressed in written response to NOV).</p>		
Consider recommending PAI Audit from DES when:	<p>>60% of ratings are Marginal >45% of ratings are a combination of Marginal or Unacceptable >30% of ratings are Unacceptable</p>	

Notation of Referenced Method

- | | |
|----------------------------|------------------------------|
| 1 Method 9020-B, Item 3 | 14 Method 1060A, Item 1 |
| 2 Method 1020-A, Item 1 | 15 Method 4500-CI I, Item 2 |
| 3 Method 1020-B, Item 10 | 16 Method 4500-CI I, Item 4 |
| 4 Method 2540-B, Item 2 | 17 Method 4500-NH3 D, Item 4 |
| 5 Method 2550-B, Item 1 | 18 Method 4500-NH3 D, Item 2 |
| 6 Method 1020-A, Item 1 | 19 Method 1060-B, Item 2 |
| 7 Method 4500-H B, Item 4 | 20 Method 1060-B, Item 1 |
| 8 Method 4500-H B, Item 2 | 21 Method 9222D, Item 1 |
| 9 Method 1020-B, Item 2 | 22 Method 9223 B, Item 2 |
| 10 Method 4500-O B, Item 3 | 23 Method 9223 B, Item 3 |
| 11 Method 4500-O G, Item 3 | 24 Method 1603, Item 2 |
| 12 Method 5210-B, Item 5 | 25 Method 9030-B, Item 3 |
| 13 CFR 136.3, Table II | 26 Method 9020 B, Table IV |

General Lab Criteria

Equipment Logbook Content - all maintenance performed on a piece of equipment should be documented in the logbook. This should include parts replacement and routine maintenance activities. Entries should include date, maintenance performed and initials of person making entry.

Preservation and Holding Times						
Parameter	Container	Min. Sample Size (mL)	Sample Type	Preservation	Maximum Storage Time	
					Recommended	Regulatory
BOD / CBOD	P, G	1000	G, C	Refrigerate $\leq 6^{\circ}\text{C}$	6h	48h
TSS	P, G	200	G, C	Refrigerate $\leq 6^{\circ}\text{C}$	7 d	7 d
pH	P, G	50	G	Analyze immediately	0.25h	0.25 h
NH ₃ -N	P, G	500	G, C	Analyze as soon as possible or add H ₂ SO ₄ to pH <2, Refrigerate $\leq 6^{\circ}\text{C}$	7 d	28 d
TRC	P, G	500	G	Analyze immediately	0.25h	0.25 h
DO (electrode)	G, BOD Bottle	300	G	Analyze immediately	0.25h	0.25 h
Temperature	P, G	--	G	Analyze immediately	0.25h	0.25 h
Metals, general	P, G	1000	G, C	For dissolved filter immediately and add HNO ₃ to pH <2	6 months	6 months
Purgeables by purge and trap	G (PTFE lined lid)	40 (X2)	G	HCl to pH<2, Refrigerate $\leq 6^{\circ}\text{C}$	7 d	14 d
Base/Neutrals and acids	G (solvent rinsed or baked)	1000	C, G	Refrigerate $\leq 6^{\circ}\text{C}$	7 d	7 days until extraction 40 days after extraction
Pesticides	G (PTFE lined lid)	1000	C	Refrigerate $\leq 6^{\circ}\text{C}$	7 d	7 days until extraction 40 days after extraction
Fecal Coliform / E-Coli	G, P (Sterilized)	100	G	Refrigerate $\leq 10^{\circ}\text{C}$ If chlorine present, add sodium thiosulfate tablet	6 hrs transport Start analysis within 2 hrs of receipt in lab.	
Oil and Grease	G	1000	G	HCl or H ₂ SO ₄ to pH <2, Refrigerate $\leq 6^{\circ}\text{C}$	28 d	28 d

Approved Standard Methods	
CBOD / BOD 5 Day	Std Methods 5210-B
Ammonia, Selective Electrode Method	Std Methods 4500-NH ₃ D
Total Residual Chlorine, DPD Colorimetric Method	Std Methods 4500-Cl G
Total Suspended Solids, Dried at 103-105 °C	Std Methods 2540-D
Dissolved Oxygen, Membrane Electrode Method	Std Method 4500-O G
pH, Electrometric Method	Std Methods 4500-H+ B
Fecal Coliform, Membrane Filter Procedure	Std Methods 9222D
Escherichia Coli, Enzyme Substrate Test	Std Method 9223B
Escherichia Coli Membrane Filtration Procedure	EPA Method 1603
Oil and Grease	USEPA 1664A or Std Methods 5520B
Metals, general	USEPA 200, Std Methods 3111B or C, or 3120B
Volatiles (Purgeables by purge and trap)	USEPA 6210, Std Methods 624
Semi-Volatiles (Base/Neutrals and acids)	USEPA 6410, Std Methods 625
Pesticides	USEPA 6410 and 6630, Std Methods 608