



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

Re: **Notice of Violation**  
Hardin County  
Shelly Materials – Hardin Quarry  
NPDES Permit 2IJ00046/OH0003671

May 10, 2013

Ms. Beth Mowery  
Vice-President – Environmental  
Shelly Materials, Inc.  
P.O. Box 266  
Thornville, Ohio 43076

Dear Ms. Mowery:

This correspondence serves to inform you that your facility is in Significant Non-Compliance (SNC) for failure to conform to Part 1, C. (Schedule of Compliance) of your effective National Pollutant Discharge Elimination System (NPDES) permit. The Schedule of Compliance in your permit contains the following milestones:

1. No later than three months from the effective date of this permit, the permittee shall submit to the Ohio EPA Northwest District Office a brief status report on the ability to meet the final effluent limits at outfall 2IJ00046001 (by October 2010).
2. If the permittee determines that it is not capable of meeting the final effluent limits at outfall 2IJ00046001 not later than six months from the effective date of this permit, the permittee shall submit an approvable Permit to Install (PTI) for improvements necessary to meet the final effluent limits (by January 2011).
3. The permittee shall initiate construction as soon as possible, but not later than nine months from the effective date of this permit (by April 2011).
4. The permittee shall have attained full compliance with the final effluent limitations for Outfall 2IJ00046001 as soon as possible, but not later than 12 months from the effective date of this permit (by July 2011).

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To date, none of these milestones have been achieved. A facility becomes SNC when it fails to meet the compliance schedule contained in the NPDES permit. Achieving compliance with Ohio's environmental laws is a primary focus of Ohio EPA in order to reduce risks to public health and welfare.

Within 21 days of the date of this letter, please submit, in writing, the actions that you propose to undertake in order to return your facility into compliance with your NPDES permit.

If you wish to meet with us to discuss this matter, please contact me at 419-373-3006 within 10 days of receiving this letter in order to set up a meeting.

Sincerely,

A handwritten signature in cursive script that reads "Peggy B. Christie". The signature is written in black ink and is positioned above the typed name.

Peggy B. Christie  
Division of Surface Water

/jlm

ec: Thomas Poffenbarger, DSW-NWDO  
Tracking