



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

Re: **Notice of Violation**  
Hardin County  
Shelly Materials – Hardin Quarry  
Ohio EPA Permit No. 2IJ00046  
NPDES Permit No. OH0003671

June 18, 2013

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

Dear Ms. Mowrey:

We are in receipt of your discharge monitoring report (DMRs) covering the month of May 2013 for the referenced facility. Our review indicates violations of the conditions of your National Pollutant Discharge Elimination System (NPDES) permit. The specific instances of non-compliance are as follows:

1. On May 1, 2013, Mr. Thomas Poffenbarger and I conducted a reconnaissance inspection the Hardin Quarry. During our visit, water was being pumped from the quarry and discharging from Outfall 002. I did a follow up inspection on May 13, 2013, and again witnessed a discharge from Outfall 002. The May 2013 DMR for Hardin Quarry indicates that there was no discharge from Outfall 002. The discharge flow rate, pH and total suspended solids content of the water were not reported.
2. On May 21, 2010, you were issued a Notice of Violation (NOV) for reporting "No Discharge" on the March 2010 DMR when a discharge at Outfall 002 was witnessed by Mr. Thomas Poffenbarger during an inspection on March 24, 2010.
3. On May 10, 2013, you were issued a NOV for failure to conform to Part 1, C. (Schedule of Compliance in your NPDES permit.

Ms. Beth Mowery  
June 18, 2013  
Page Two

Shelly Materials Hardin Quarry has failed to follow the monitoring, sampling, reporting requirements and the schedule of compliance outlined in your NPDES permit. Failure to follow the requirements of your NPDES permit is a violation of Ohio Revised Code (ORC) Section 6111.07.

Please inform this office in writing within 21 days as to the actions that will be taken to address these deficiencies. If satisfactory progress is not made, we will have no choice but to recommend escalated enforcement action to achieve compliance.

Please call me at 419-373-3006 or email me at [Margaret.christie@epa.ohio.gov](mailto:Margaret.christie@epa.ohio.gov) if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads "Peggy B. Christie".

Peggy B. Christie  
Division of Surface Water

/jlm

Enclosures

ec: Thomas Poffenbarger, DSW-NWDO  
Tracking

**Shelly Materials - Hardin Quarry Permit # 2IJ00046**

eDMR data reported by the facility for March 2010 and May 2013

Station	Reporting Code	Parameter	Units	Date	Reported Value	A Code	MDL	Comments
1	50050	Flow Rate	MGD	3/1/2010		AL		No Discharge added by MOR load - PKG_DATA_TRANSFER
2	00530	TSS	mg/l	3/1/2010		AL		No Discharge added by MOR load - PKG_DATA_TRANSFER
3	00400	pH	S.U.	3/1/2010		AL		No Discharge added by MOR load - PKG_DATA_TRANSFER
1	00400	pH	S.U.	5/1/2013		AL		No Discharge added by MOR load - PKG_DATA_TRANSFER
2	00400	pH	S.U.	5/1/2013		AL		No Discharge added by MOR load - PKG_DATA_TRANSFER



State of Ohio Environmental Protection Agency  
Northwest District Office

NPDES Compliance Inspection Report

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
2IJ00046	OH0003671	05/01/2013	RI	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Shelly Materials, Inc. Hardin Quarry 12484 State Route 701 Kenton, Ohio 43326	11:30	July 1, 2010
	Exit Time	Permit Expiration Date
	12:15	June 30, 2015
Name(s) and Title(s) of On-Site Representatives	Phone Number(s)	
Name, Address and Title of Responsible Official	Phone Number	
Ms. Beth Mowrey, Vice President – Environmental Shelly Materials, Inc. P.O. Box 266 Thornville, OH 43076	(740) 246-5009	

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	N	Laboratory	U	Compliance Schedule
N	Operations & Maintenance	S	Effluent/Receiving Waters	U	Self-Monitoring Program
M	Facility Site Review	N	Sludge Storage/Disposal	N	Other
N	Collection System				

Section D: Summary of Findings (Attach additional sheets if necessary)	
Observed and photographed discharge at outfall 002	
Inspector	Reviewer
<i>Peggy B. Christie</i> 6/17/13	<i>Thomas Poffenbarger</i> 6/17/13
Peggy B. Christie Division of Surface Water Northwest District Office	Thomas Poffenbarger, P.E. Water Quality Engineer II/Unit Supervisor Division of Surface Water Northwest District Office

## Shelly Materials – Hardin Quarry



Discharge from the Shelly  
Materials – Hardin Quarry

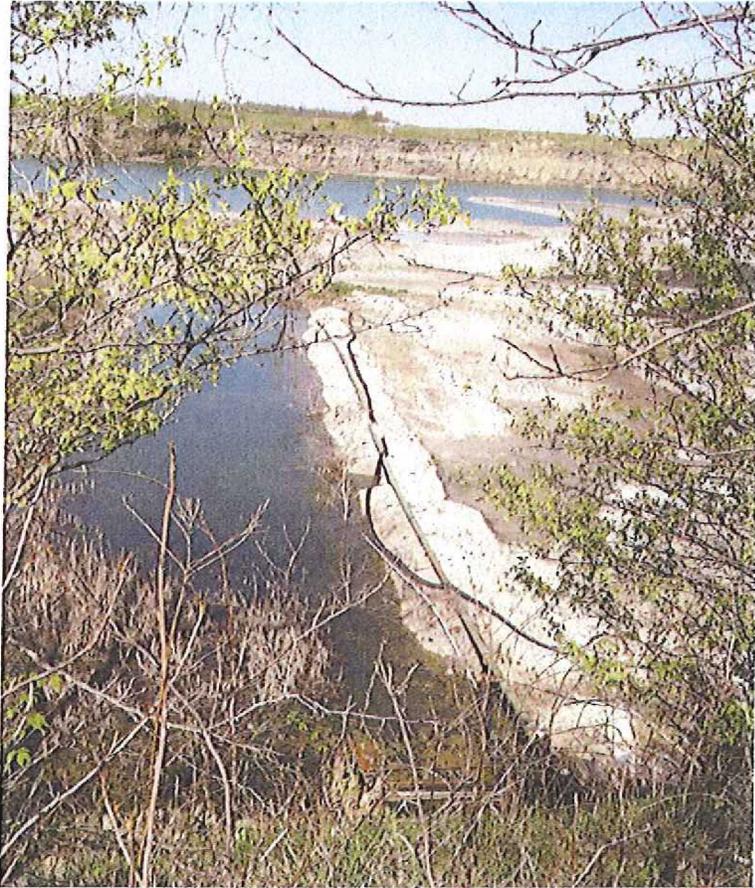
This is actually north of  
Outfall 002. The water  
bypasses Outfall 002 as  
shown below.

May 1, 2013



Discharge from the  
Quarry. The pipe to  
Outfall 002 has been  
cut or broken. Water  
flows into a catch basin  
near the center of the  
photo, and flows out to  
the creek through the  
pipe shown above.

May 1, 2013  
Shelly Materials – Hardin  
Quarry



This photo shows the hose from the quarry to the catch basin area that is show on the previous photo.

May 1, 2013  
Shelly Materials – Hardin Quarry



Outfall Sign

May 1, 2013  
Shelly Materials – Hardin Quarry



This photo shows the water spraying from the pipe which runs up the east side of the quarry.

May 1, 2013

Shelly Materials - Hardin Quarry



State of Ohio Environmental Protection Agency  
Northwest District Office

NPDES Compliance Inspection Report

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
21J00046	OH0003671	05/13/2013	RI	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Shelly Materials, Inc. Hardin Quarry 12484 State Route 701 Kenton, Ohio 43326	12:00	July 1, 2010
	Exit Time	Permit Expiration Date
	12:30	June 30, 2015
Name(s) and Title(s) of On-Site Representatives	Phone Number(s)	
Name, Address and Title of Responsible Official	Phone Number	
Ms. Beth Mowrey, Vice President – Environmental Shelly Materials, Inc. P.O. Box 266 Thornville, OH 43076	(740) 246-5009	

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(S = Satisfactory, M = Marginal, U = Unsatisfactory, N = Not Evaluated)					
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N	Collection System				

Section D: Summary of Findings (Attach additional sheets if necessary)	
Observed and photographed discharge at outfall 002	
Inspector	Reviewer
<i>Peggy B. Christie</i> 6/17/13	<i>Thomas Poffenbarger</i> 6/17/13
Peggy B. Christie Division of Surface Water Northwest District Office	Thomas Poffenbarger, P.E. Water Quality Engineer II/Unit Supervisor Division of Surface Water Northwest District Office

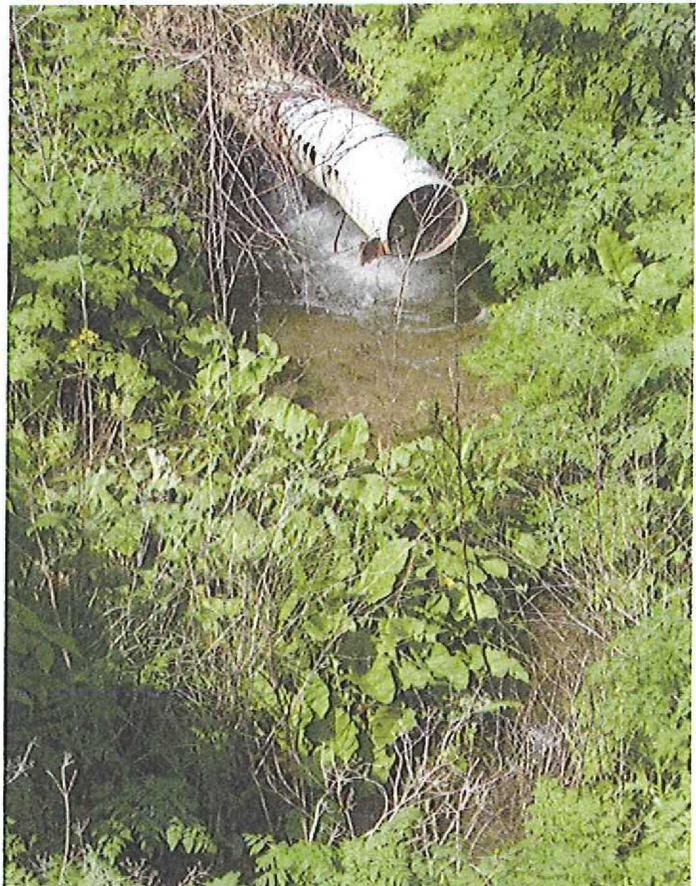
Shelly Materials – Hardin Quarry  
May 13, 2013



Shelly Materials-  
Hardin Quarry

Photo of Outfall 002  
taken from the  
railroad tracks, facing  
west.

May 13, 2013



Shelly Materials – Hardin Quarry

Water flows from Outfall 002 then  
under the Railroad tracks. Taken  
from the railroad tracks facing west.

May 13, 2013



Shelly Materials – Hardin Quarry

This photo shows the water from Outfall 002, which flows under the railroad tracks into a stormwater catch basin. This photo is taken from the railroad tracks facing east.

May 13, 2013



Shelly Materials – Hardin Quarry

Photo of Outfall 002 taken from the quarry facing east.

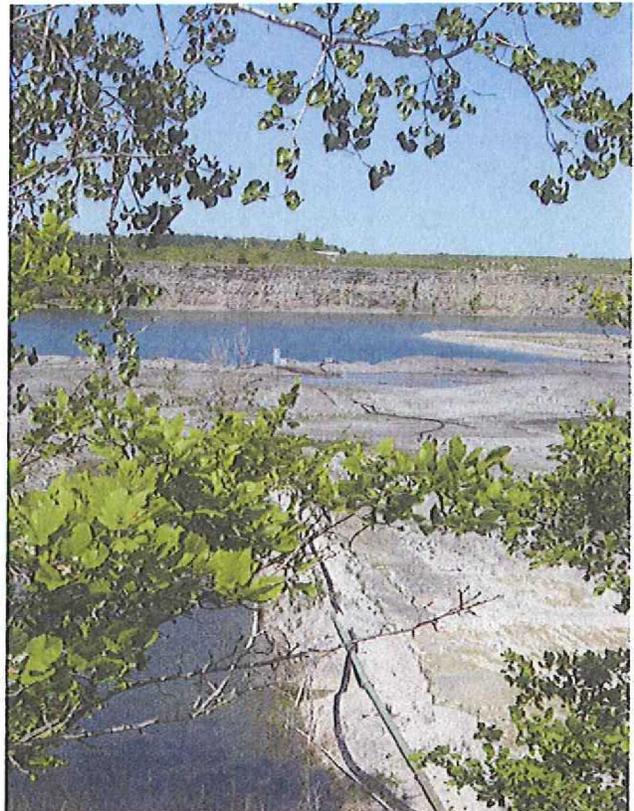
May 13, 2013



Shelly Materials – Hardin Quarry

Outfall 002 sign

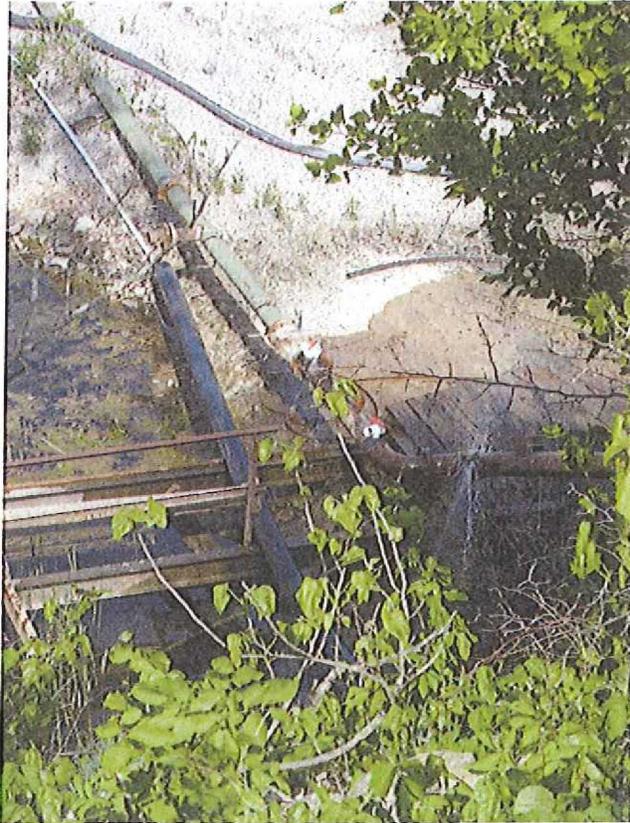
May 13, 2013



Shelly Materials – Hardin Quarry

Photo of hose in the quarry

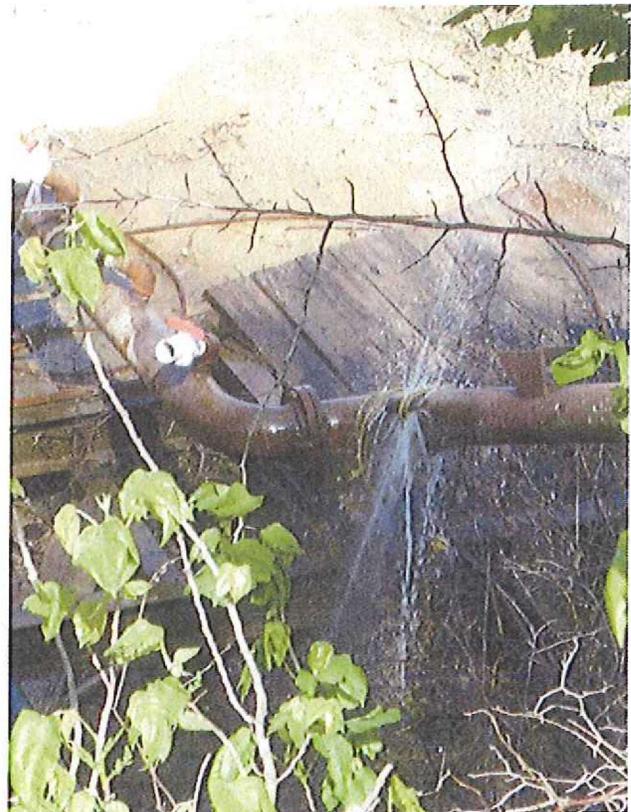
May 13, 2013



Shelly Materials – Hardin Quarry

Photo of piping on the side of the quarry facing west

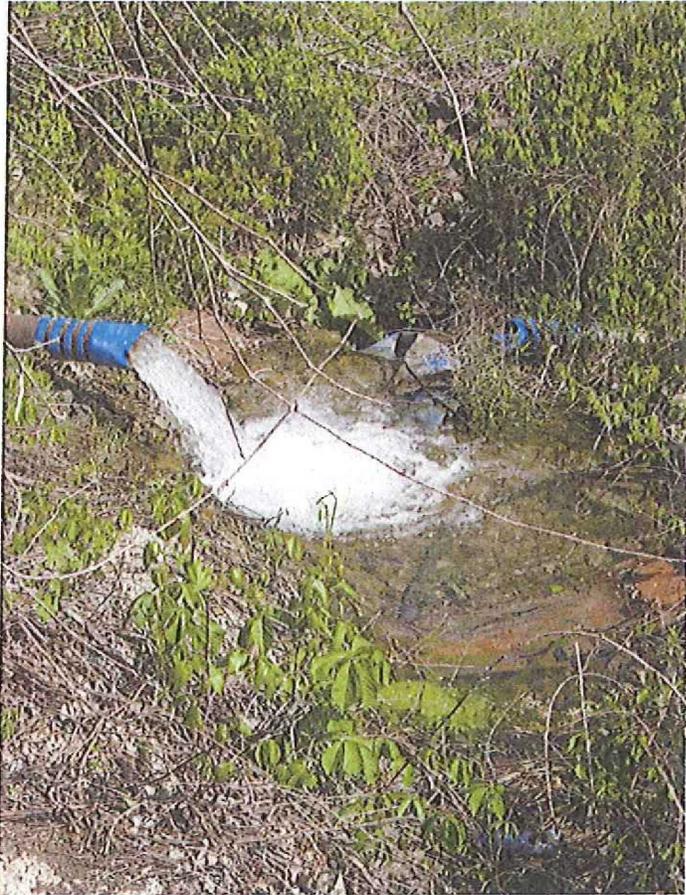
May 13, 2013



Shelly Materials – Hardin Quarry

Close-up photo of the water from the pipe on the side of the quarry

May 13, 2013



Shelly Materials – Hardin Quarry

Water is pumped up from the quarry and discharges to this “pond” area. The water flows from here to the outfall.

May 13, 2013



Shelly Materials –  
Hardin Quarry

Close up of the flow of  
the water in the “pond”  
area.

May 13, 2013



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.ohio.gov

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

Re: **NOTICE OF VIOLATION**  
Hardin County  
Shelly Materials – Hardin Quarry  
Ohio EPA Permit No. 2IJ00046  
NPDES Permit No. OH0003671

May 21, 2010

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

Dear Ms. Mowery:

We are in receipt of your discharge monitoring report (DMRs) covering the month of March 2010 for the referenced facility. Our review indicates violations of the conditions of your NPDES permit. The specific instances of noncompliance are as follows:

On March 24, 2010, we conducted an inspection of the Hardin Quarry. Mr. Bill Rowe was present. During our visit, water was being pumped from the quarry and being discharged through Outfall #002. **The March 2010 discharge monitoring report for the Hardin Quarry indicates that there was no discharge from Outfall #002 during the entire month.** The discharge flow rate, pH and total suspended solids content of the water were not reported.

The monitoring, sampling and reporting requirements outlined in your NPDES permit for the Hardin Quarry were not followed. Failure to follow the requirements of your NPDES permit is a violation of Ohio Revised Code Section 6111.07.

Please inform this office in writing, within seven (7) days, as to the reasons for the referenced violations, as well as a description of the actions taken or proposed to prevent any further violations. Your response should include the dates, either actual or proposed, for completion of the actions.

Please be advised that failure to comply with the effluent limitations and/or monitoring requirements, including adequate laboratory controls, appropriate quality assurance procedures, and records retention, as specified in your Part III-General conditions of your NPDES permit may be cause for enforcement action pursuant to Ohio Revised Code, Chapter 6111. If these violations continue to occur and if satisfactory progress is not made, it may be necessary to initiate enforcement action to achieve compliance.

Ms. Beth Mowery  
May 21, 2010  
Page 2

If you have any questions, please call me at (419)373-3008.

Sincerely,

A handwritten signature in cursive script that reads "Thomas Poffenbarger".

Thomas Poffenbarger, P.E.  
District Engineer  
Division of Surface Water

/llr

pc: Mr. Bill Rowe, Shelly Materials - Forest Quarry  
DSW-NWDO File



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Rd.  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.ohio.gov

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

Re: Hardin County  
Shelly Materials, Inc.  
NPDES Permits

March 31, 2010

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

Dear Ms. Mowery:

On March 24, 2010, National Pollutant Discharge Elimination System (NPDES) permit compliance inspections were conducted at the Shelly Materials Forest and Hardin Quarries. Mr. Rusty Cox was present at the Forest Quarry inspection. Mr. Bill Rowe was present at the Hardin Quarry inspection. Our inspection findings are as follows:

**Forest Quarry**

Water in the quarry sump was clear. There was no discharge from outfall 002 during our visit. Flow measurements are taken from run time hour meters on the pump station.

**Hardin Quarry**

This quarry is no longer in operation. The discharge from outfall 002 was clear. The location where this outfall discharges to the tributary of Cessna Creek has been relocated approximately 50 feet downstream. The outfall sign should also be relocated.

On March 23, 2010, we received a letter on behalf of the Shelly Company from Dine Comply. This letter indicated that outfalls 001 and 003 have been permanently removed from operation. The letter requested that permit coverage for these outfalls be eliminated.

Our inspection confirmed that outfall 003 had been eliminated. However, outfall 001 remains open and intact. This outfall must continue to be monitored and reported in accordance with your NPDES permit.

Our completed inspection reports are enclosed for your records. If you have any questions, please call me at (419)373-3008.

Sincerely,

Thomas Poffenbarger, P.E.  
District Engineer  
Division of Surface Water

/lb

Enclosures

pc: Mr. Bill Rowe, Shelly Materials – Forest Quarry w/enclosures  
DSW:NWDO:File w/enclosures



State of Ohio Environmental Protection Agency  
Northwest District Office

NPDES Compliance Inspection Report

Section A: National Data System Coding					
Permit #	NPDES#	Month/Day/Year	Inspection Type	Inspector	Facility Type
2IJ00046	OH0003671	03/24/2010	C	S	2

Section B: Facility Data		
Name and Location of Facility Inspected	Entry Time	Permit Effective Date
Shelly Materials, Inc. Hardin Quarry 12484 State Route 701 Kenton, Ohio 43326	11:00 AM	May 1, 2005
	Exit Time	Permit Expiration Date
	11:15 AM	April 30, 2010
Name(s) and Title(s) of On-Site Representatives		Phone Number(s)
Mr. Bill Rowe, Plant Manager		(419)273-2518
Name, Address and Title of Responsible Official		Phone Number
Ms. Beth Mowery, Vice President – Environmental Shelly Materials, Inc. P.O. Box 266 Thornville, Ohio 43076		(740)246-5009

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

**Section D: Summary of Findings (Attach additional sheets if necessary)**

Mining operations ceased in 2006.

Discharge from outfall 002 was clear. Outfall sign needs to be relocated.

Discharge from outfall 003 has been eliminated.

Ability to discharge from outfall 001 remains intact, this outfall must be monitored during all discharges.

Inspector	Reviewer
 Thomas Poffenbarger, P.E. Date 3/30/10 District Engineer Division of Surface Water Northwest District Office	 Elizabeth A. Wick, P.E. Date 3/31/10 Water Quality Engineer Division of Surface Water Northwest District Office