



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

October 15, 2012

Re: Shelly Co. – East Fultonham Quarry
Facility ID # 0660000207
Muskingum County
Notice of Violation
Non-HPV

Certified: 70102780000197044916

Beth Mowrey
Vice President of Environmental
Shelly Co. – East Fultonham Quarry
P.O. Box 266
Thornville, OH 43076

Dear Ms. Mowrey:

On July 31, 2012, Jessica Kelley, Racheal Davies and I inspected the Shelly Co. – East Fultonham Quarry (Shelly East Fultonham) facility located off of SR 345 in East Fultonham, Ohio along with Richard Skinner, Plant Foreman. The inspection was conducted to determine the facility's compliance with state and federal air pollution rules and regulations.

Shelly East Fultonham was issued a Permit-to-Install and Operate (PTIO) on January 21, 2009, (P0103938) for F007 and a Chapter 31 Modification PTIO on June 6, 2012, (P0110059) for F003, F004, F006 and F008. A Chapter 31 Modification PTIO application was submitted on May 15, 2012, for F007 and is currently in review.

Prior to the inspection, we were driving past the facility on State Route 345 around 11:00 a.m. en route to another facility inspection, and noticed excessive visible emissions (VEs) coming off of the unpaved roadways on both sides of the facility's roadways and storage pile loading/unloading, as well as dragout on State Route 345. We later returned to the facility to perform a compliance inspection and at that time also noted VEs coming off of materials being dumped into the storage piles.

During the facility inspection, we drove on the unpaved roadways past the storage piles and the aggregate processing area, crossing over SR 345 where dragout was observed. Mr. Skinner indicated that they stop watering the roadways about 15 to 20 feet from SR 345 so that mud is not dragged out onto the roadways. He said that the mineral extraction takes place only a couple months of the year on that side of SR 345 and during the remaining months, they operate mineral extraction on the same side of the road as the office. On the other side of SR 345, Mr. Skinner drove to the mineral extraction area. Coming back, we

noted that VEs were coming off of one of the storage piles which were discussed with him at that time. I also discussed our previous concerns with the VEs we saw earlier that day from the roadways and storage piles.

On August 8, 2012, around 11:00 a.m., Jessica Kelley, Racheal Davies and I drove past Shelly East Fultonham en route to another inspection and noted there were VEs coming off of the aggregate processing, including materials dumping from a belt into a pile, and from a conveyor belt. The entire area appeared to be dusty and the opacity appeared excessive. At the end of our observation, a big plume of dust suddenly appeared further down the road past where your trucks cross SR 345 to go to the mining pit. The cloud of dust was observed across both sides of the road, including the roadways for several minutes. We drove down that way and took pictures. I am assuming that this is part of your mineral extraction area, but would like confirmation. During our tour on July 31, 2012, Mr. Skinner did not take me down into that area.

Based on observations during the facility tour, file review, and a review of the reports, the following violation was discovered. Copies of the checklists completed as part of the inspection are enclosed.

**(1) Best Available Control Measures on All Unpaved Roadways
Part C.4.b)(2) of PTIO P0110059 for EU F008**

PTIO P0110059 specifies that: "a. The permittee shall employ best available control measures on all unpaved roadways and parking areas for the purpose of ensuring compliance with the above-mentioned applicable requirements. In accordance with the permittee's application, the permittee has committed to treat the unpaved roadways and parking areas by application of chemical stabilization/dust suppressants and/or watering at sufficient treatment frequencies to ensure compliance. Nothing in this paragraph shall prohibit the permittee from employing other control measures to ensure compliance. ... c. The permittee shall promptly remove, in such a manner as to minimize or prevent resuspension, earth and/or other material from paved streets onto which such material has been deposited by trucking or earth moving equipment or erosion by water or other means."

During the inspection, we noted that there was drag out onto SR 345 where the trucks cross to go down the haul road to the mine pit. Photos are enclosed. You are required to use best available control measures per OAC rule 3745-31-05(A)(3) as listed under the additional terms and conditions of your general permit for unpaved roadways.

Comments:

- **Unpaved Roadways:** Per Part C.4.b)(1)a. of PTIO P0110059, "no visible PE except for 3 minutes during any 60-minute period". Even though I did not document the violation by conducting a Method 9 Test on July 31, 2012, it appeared that your permit limit would have been exceeded had I conducted one. Please make sure to employ best available control measures to ensure compliance with the permit terms and conditions. Ohio EPA staff will be out at a later time to conduct tests to ensure that this emissions unit is operating in compliance with your permit terms and conditions.

- **Storage Piles:** Per Part C.2.b)(1)a. of PTIO P0110059, *“no visible PE except for one minute during any 60-minute period”* and Part C.2.b)(2)a. through d., *“employ best available control measures on all load-in and load-out operations associated with storage piles... for wind erosion”*. Even though I did not document the violation by conducting a Method 22 Test on July 31, 2012, it appeared that your permit limit would have been exceeded had I conducted one. Please make sure to employ best available control measures to ensure compliance with the permit terms and conditions. Ohio EPA staff will be out at a later time to conduct tests to ensure that this emissions unit is operating in compliance with your permit terms and conditions.
- **Aggregate Processing:** Per Part C.4.b)(1) of PTIO P0103938, *“The permittee shall employ best available control measure that are sufficient to minimize or eliminate visible particulate emissions of fugitive dust. ... Visible emissions of fugitive dust discharging from any screening operations, transfer points, or conveyors, shall not exceed 10% opacity.”* Even though I did not document the violation by conducting a Method 9 Test on August 8, 2012, it appeared that your permit limit would have been exceeded had I conducted one. Please make sure to employ best available control measures to ensure compliance with the permit terms and conditions. Ohio EPA staff will be out at a later time to conduct tests to ensure that this emissions unit is operating in compliance with your permit terms and conditions.

A review of the facility profile shows that there are no dates listed for the completion of installation, begin installation and commence operation after installation dates for the aggregate processing plant. Please provide those dates to me.

Mr. Skinner's cooperation and assistance were greatly appreciated during the visit. If you have any questions or need additional information, feel free to contact me at (740) 380-5259 or email miki.mercer@epa.state.oh.us.

Sincerely,



Mykael L. Mercer
Environmental Specialist II
Division of Air Pollution Control
Southeast District Office

MLM/cs

Enclosures

cc: Cory Hann, Hann Manufacturing
Dean Ponchak, Acting Manager, DAPC-SEDO
Sarah K. Harter, Supervisor, DAPC-SEDO
Ralph Witte, OCAPP-SEDO
Bruce D. Weinberg, DAPC/CO
Michele Jencius, U.S. EPA, Region V