



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

December 26, 2012

Re: Muskingum County  
The Shelly Co. – East Fultonham Quarry  
Facility ID # 0660000207  
Resolution of Violation

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

Dear Ms. Mowrey:

On October 15, 2012, this office issued a Non HPV Notice of Violation (NOV) letter to The Shelly Co. – East Fultonham regarding best available control measures not being used on unpaved roadways, in particular, the requirement 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” and fugitive emissions observed from the roadways, storage piles and aggregate processing. As part of the NOV, we requested that you submit a compliance plan and schedule to return the facility to compliance.

On December 20, 2012, you submitted a letter detailing how you will comply with the best available control measures requirements by using alternative measures to minimize fugitive emissions as detailed in your current permits. Based upon my review of your response, it appears that The Shelly Co. – East Fultonham has sufficiently resolved the violations cited in the October 15, 2012, NOV.

With the corrective actions taken to bring the source(s) into compliance, as indicated above, the referenced violations are considered resolved. Please note, however, that this does not preclude Ohio EPA's authority from seeking civil penalties pursuant to ORC section 3704.06 for these violations. The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is the company's future compliance with applicable Ohio EPA requirements.

If you have any questions or concerns, please feel free to contact me at (740) 380-5259 or by email at [miki.mercer@epa.ohio.gov](mailto:miki.mercer@epa.ohio.gov).

Sincerely,

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

MLM/cs

cc: Dean Ponchak, SEDO-DAPC