



Environmental
Protection Agency

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

FILE CO. 11

November 3, 2011

Franklin County
Shelly Materials, Inc.
Marble Cliff Quarry
OEPA ID: 0125040476
Notice of Violation

Beth Mowrey
Vice President Environmental
Shelly Materials, Inc. – Marble Cliff Quarry
8775 Blackbird Road
Thornville, OH 43076

**Re: Notice of Violation
Third Quarter 2011 Report submitted October 31, 2011**

Dear Ms. Mowrey:

On October 31, 2011, Ohio EPA Central District Office (CDO) received a third quarter 2011 deviation report for Shelly Materials, Inc. – Marble Cliff Quarry (Shelly). This report was submitted pursuant to Permit to Install (PTI) 01-12200 for emissions units F001 through F010. Shelly reported that daily inspections were not conducted while the plant was operating during the third quarter of 2011 (July through September 2011).

Shelly is required to conduct inspections of operations that are not adequately enclosed in accordance with the terms and conditions of PTI 01-12200 as outlined in the following table.

Emissions Unit	Permit Section	Operation	Minimum Frequency	Inspection
F001	C.1.	All crushers	daily	
F002	C.1.	All crushers	daily	
F003	C.1.	All crushers	daily	
F004	C.1.	All screens	daily	
F005	C.1.	Load in or load out or any combination of loading or conveying	daily	
F006	C.1.	Mineral unloading	once per day of operation	
F006	C.1.	Mineral loading	once per day of operation	
F006	C.1.	Blasting	once per day of operation	
F006	C.1.	Drilling	once per day of operation	
F006	C.1.	Bulldozing	once per day of operation	
F007	C.1.	Roadways and parking areas	daily	
F008	C.1.	All storage pile load-ins	daily	
F008	C.2.	All storage pile load-outs	daily	
F008	C.3.	Wind erosion from all storage pile surfaces	daily	
F009	C.1.	All screens	daily	
F010	C.1.	All crushers	daily	

Beth Mowrey
Shelly Materials, Inc. – Marble Cliff Quarry
Page -2-

Failure to conduct daily inspections is considered a violation of the terms and conditions of PTI 01-12200. Violations of the terms and conditions of an issued PTI are also considered violations of Ohio Revised Code (ORC) 3704.05(C), which states:

"No person who is the holder of a permit issued under division (F) or (G) of section 3704.03 of the Revised Code shall violate any of its terms or conditions."

However, Shelly reported that unspecified corrective actions have been taken. Ohio EPA requests Shelly to submit a list of specific actions taken along with the date(s) the actions were taken. This list should be sent to CDO, Division of Air Pollution Control no later than 30 days of receipt of this letter.

Please note that Ohio EPA has the authority to seek civil penalties as provided in the ORC Section 3704.06. Submittal of the above requested information, including records and reports, does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC Section 3704.06. The determination to pursue such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions, please do not hesitate to contact Pam McCoy by phone at (614) 728-3810 or by e-mail at pam.mccoy@epa.ohio.gov.

Sincerely,



John McGreevy
Supervisor, Permits and Compliance
Division of Air Pollution Control
Central District Office

c: Adam Ward, Manager, DAPC/CDO
John Paulian, Supervisor, DAPC/CO

e: John McGreevy, Supervisor, DAPC/CO