



Environmental  
Protection Agency

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

CERTIFIED MAIL # 91 7108 2133 3932 1838 4134

January 30, 2012

Franklin County  
The Shelly Company  
Columbus Limestone  
Ohio ID Number 0125001229

Beth Mowrey  
Vice President Environmental  
The Shelly Company - Columbus Limestone  
P.O. Box 266  
Thornville, OH 43076

**Re: Notice of Violation** based upon the Permit Evaluation Report submitted to Ohio EPA on January 23, 2012 for The Shelly Company - Columbus Limestone (Facility ID 0125001229)

Dear Ms. Mowrey:

On January 23, 2012, Ohio EPA Central District Office (CDO) received the Permit Evaluation Report (PER) for The Shelly Company - Columbus Limestone (Shelly). The PER was submitted in accordance with the terms and conditions of permit-to-install (PTI) 01-12256 for emission units F013 through F016. Shelly did not report known deviations, specifically visible emissions resulting from material deposition not promptly removed from paved streets in the report.

Listed below are "Findings" based upon CDO observations and conversations with facility personnel. The findings are followed by "Violation(s)" (if applicable) and "Requested Action(s)" necessary to address stated findings and violations.

1. **Finding:** Failure to perform recordkeeping

CDO inspectors went on-site to the facility on July 12, 2011, August 12, 2011, and September 9, 2011, in response to visible emissions from material deposition not promptly removed from paved streets. Facility personnel implemented control measures in response to CDO inspector concerns.

Shelly is required to record dates when control measures were implemented as a result of inspections of operations of the roadways and parking areas (emission unit F014) in accordance with the terms and conditions of PTI 01-012256.

**Violation(s)**

Failure to record control measures taken as a result of daily inspections is considered a violation of section d)(2) of the terms and conditions of PTO 01-12256, which states:

*"The permittee shall maintain records of the following information:*

- b. the date of each inspection where it was determined by the permittee that it was necessary to implement the control measures;*
- c. the dates the control measures were implemented..."*

Violation of the terms and conditions of an issued PTI is also considered a violation 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."*

#### **Requested Action**

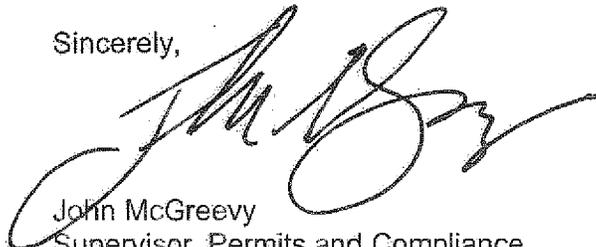
Shelly has reported that corrective actions in the form of continued training of facility personnel was taken on January 24, 2012. CDO requests copies of the daily inspection log for emission unit F014 from January 24, 2012, through February 14, 2012, to ensure compliance with the terms and conditions of PTI 01-12256. CDO also requests log(s) for emission units F013 and F015 for the last three months the emission units were in operation. Please submit all requested log(s) no later than February 29, 2012. The log(s) may be submitted electronically through Ohio EPA's eBusiness Center as "Other Compliance Report: Other" or may be mailed to CDO, Division of Air Pollution Control.

#### **Additional Information**

Please note that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. The decision on whether or not to seek such penalties will be made by the Ohio EPA at a later date.

If you have any questions, please contact Barbara Walker of my staff at (614) 728-3805 or [barbara.walker@epa.ohio.gov](mailto:barbara.walker@epa.ohio.gov).

Sincerely,



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

Beth Mowery  
The Shelly Company -Columbus Limestone  
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c: Adam Ward, Manager, CDO/DAPC  
Kelly Toth, CDO/DAPC  
Barbara Walker, CDO/DAPC  
John Paulian, CO/DAPC

e: John McGreevy, CDO/DAPC

JM/tl 0125001229 NOV from 2012PERF014