



**Environmental  
Protection Agency**

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

Re: Ottawa County  
Shelly Materials–White Rock Quarry  
Premise # 0362000147  
**Notice of Violation (NOV) &  
Return to Compliance (RTC)**

May 4, 2012

**CERTIFIED MAIL**

Ms. Beth Mowery, VP Environmental  
Shelly Materials, Inc. – White Rock Quarry  
8775 Blackbird Lane  
Thornville, Ohio 43076

Dear Ms. Mowery:

This letter shall serve as follow-up to the inspection conducted on May 1, 2012, of the above-referenced facility by this writer and Mr. Chad Winebrenner, both of Ohio EPA's Division of Air Pollution Control (DAPC). The purpose of this inspection was to respond to complaints received by DAPC regarding fugitive dust emissions from Shelly Materials' White Rock Quarry (Shelly), located at 3800 North Bolander Road in Clay Center, Ohio, on April 24 and 25, 2012.

Based on my discussions, my observations during the inspection, and a review of the company's files, my findings are as follows:

1. Shelly operates multiple sources of fugitive particulate emissions at the White Rock Quarry, including, among others, paved roadways (F001), storage piles (F002) and unpaved roadways (F005), under Ohio Permit to install and Operate (PTIO)# P0109112, issued December 8, 2011. The emissions units identified above are located within 300' of adjacent residential housing. The storage piles closest to the residential housing are also the finer grades of crushed materials generated at the facility.
2. Historical weather records indicate on the days in question (April 24<sup>th</sup> and 25<sup>th</sup>, 2012) that wind speeds were considerably higher than normal, with sustained winds ranging from 20-40 mph and gusts exceeding 50 mph at times, out of the WNW. While the material deposited on the complainants' property was not analyzed to confirm with absolute certainty that it originated from Shelly, these weather conditions would make it plausible, if not probable, that the particulate material observed at the complainants' locations was from Shelly.
3. Shelly's water truck is used to apply water to the paved and unpaved roadways and it is also equipped with a water cannon that can be used to water the storage piles. The water truck was not on site on those days, was inoperable and off site being repaired. The water truck was returned and operation on May 2, 2012.

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While Shelly has alternate methods to apply water to roadways, Shelly does not have an alternate method to apply water to the storage piles. As a result, the facility shut down their operations in order to reduce potential emissions from escaping the facility as a result of the abnormally high winds.

4. Water application is the method of control for fugitive emissions and emissions from wind erosion from the storage piles. Not having the means to control these emissions constitutes a malfunction of control equipment. Failure to report that malfunction constitutes a violation of the general terms and conditions of PTIO# P0109112, Ohio Administrative Code (OAC) rule 3745-15-06 and Ohio Revised Code (ORC) 3704.05.
5. As of May 2, 2012, by having an operable water truck on site, thus providing the means to apply water to the storage piles, the company has resolved the above mentioned violation and has returned to compliance.

The company's written response to this letter is requested by June 6, 2012. It should be submitted to Ohio EPA, Northwest District Office and contain a compliance plan to remedy the observed situation and prevent this, or any similar such situation, from occurring in the future.

Please note that the submission of information to respond to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC section 3704.06. The Ohio EPA will make the decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

If the company has any questions and/or comments concerning this letter, please contact me at the above address, by calling (419) 373-3137, or via e-mail at [thomas.cikotte@epa.state.oh.us](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/llr

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