



**Environmental  
Protection Agency**

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

April 11, 2011

Re: Washington County  
Loeber Gessel LLC  
Facility ID # 0684015008  
Compliance Inspection  
Warning Letter

**Certified: 70101060000178962242**

Mr. Richard Gessel  
Loeber Gessel LLC  
741 Blue Knob Road  
Marietta, OH 45750

**Subject: Warning Letter Concerning the March 30, 2011 Site Visit**

Dear Mr. Gessel:

On March 30, 2011, I performed a site visit of Loeber Gessel LLC in Marietta, Ohio. The site visit was conducted to determine the facility's compliance with State and federal air pollution rules and regulations.

The facility's permitted emissions units include unpaved roadways and parking areas (F001), storage piles (F002), and material handling operations (F003). Permit-to-Install and Operate (PTIO) P0107556 was issued for emissions unit F001 on February 16, 2011. PTIO P0107559 was issued for emissions units F002 and F003 on March 11, 2011.

Based on my inspection, the following violations/issues have been discovered:

**Failure to Conduct Required Monitoring and Recordkeeping**

PTIO P0107556 Permit Term Part C.1.d)(1) (page 12 of 14) and PTIO P0107559 Permit Term Part C.1.d)(1)-(3)(page 13 of 23) and Part C.2.d)(1)(page 21 of 23) state that the facility is required to perform inspections of each of the roadway segments and parking areas, storage piles and material handling activities (truck unloading, material unloading into hopper, hopper onto conveyor, conveyor, conveyor into truck) on a daily basis.

In addition, PTIO P0107556 Permit Term Part C.1.d)(3) (page 13 of 14) and PTIO P0107559 Permit Term Part C.1.d)(5) (page 14 of 23) and Part C.2.d)(3) (page 21 of 23) state that the permittee shall maintain records of the following information for each daily inspection:

- a. The date and reason any required inspection was not performed, including those inspections that were not performed due to snow and/or ice cover or precipitation;
- 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; and
- d. on a calendar quarter basis, the total number of days the control measures were implemented and total number of days where snow and/or ice cover or precipitation were sufficient to not require the control measures.

The information required in Term d. shall be updated on a calendar quarter basis within 30 days after the end of the each calendar quarter.

During my inspection and after a phone conversation with you, it was determined that the facility was not performing the above-required monitoring and recordkeeping. Therefore, the facility is in violation of the above-cited permit terms and conditions.

#### **Failure to Employ Best Available Control Measures for Storage Piles**

PTIO P0107559 Permit Term Part C.1.b)(2)d.(page 12 of 23) requires that the facility store all material inside of a 4-sided building and maintain building enclosures to ensure compliance with the visible particulate emission limitation.

During the site visit, I observed several small storage piles located outside of the facility. In speaking with you, it was determined that these piles were "waste frac sand" that needed to be removed from site. These storage piles should be placed inside of a building until they can be removed or removed immediately from site.

In addition, I observed a number of areas where the frac sand storage piles were escaping the building through a door and windows that appeared to have been damaged by the weight of frac sand.

Therefore, the facility is in violation of the above-cited permit term and condition for storage piles.

#### **Failure to Receive a PTIO Prior to the Modification or Installation/Operation of an Emissions Unit**

The application, submitted on January 31, 2011, for material handling (F003) included one conveyor for the load out of frac sand into tanker trucks. During my May 30, 2011 site visit, it was determined that there are actually two conveyor systems located at the site for the load-out operation. Upon discussion with you, it was determined that you had recently relocated the second conveying system to the site to assist in loading some of the "wet" frac sand.

It is a violation of Ohio Administrative Code rule 3745-31-02(A) to install or modify an emissions unit without first obtaining a permit-to-install and operate the source. At this time I am requesting that the facility submit an application to modify the existing PTIO P0107559 to account for the emissions associated with the second conveyor system.

**Failure to Employ Best Available Control Measures on Unpaved Roadways and Parking Areas**

PTIO P0107559 Permit Term Part C.1.b)(2)c.(page 12 of 14) requires that the facility remove, in such a manner as to minimize or prevent re-suspension, earth and/or other material from paved streets that has been deposited by trucking or earth moving equipment or erosion by water or other means.

During the site visit, I observed drag out material from the facility onto the public roadway. Failure to removed drag out material is a violation of the above-cited permit term and condition.

**Within 30 days of receipt of this letter, Loeber Gessel LLC shall submit a plan and schedule to return the facility to compliance. The plan should include a time line for completing corrective actions and specify the corrective actions taken.**

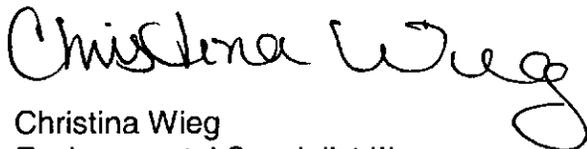
Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such penalties in this case will be made by the Ohio EPA at a later date.

Please be aware that your facility is responsible for complying with the terms and conditions outlined in the permits. Please read over the permit provisions carefully. There are many emission limitations, monitoring, record keeping, and reporting requirements that the facility is responsible to maintain. I encourage the facility to contact me or Ralph Witte, with Ohio EPA's Small Business Compliance Assistance at (740) 380-5241 if you are having difficulty understanding or implementing the requirements as specified in the permits. Ohio EPA provides small business compliance assistance to help small businesses understand and comply with environmental regulations. The service is free, non-regulatory, and available to small business with fewer than 100 employees.

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Loeber Gessel LLC  
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If you are unable to respond to any part of the above request, within the time frame discussed above, please inform us and explain so that we may be of assistance. Should you have any questions, feel free to contact me at (740) 380-5223 or email [christina.wieg@epa.state.oh.us](mailto:christina.wieg@epa.state.oh.us). The assistance provided during and after the site visit was greatly appreciated.

Sincerely,

A handwritten signature in black ink that reads "Christina Wieg". The signature is written in a cursive, flowing style.

Christina Wieg  
Environmental Specialist III  
Division of Air Pollution Control  
Southeast District Office

CW/mlm

cc: Bruce Weinberg, DAPC/SEDO  
Ralph Witte, OCCAP/SEDO



**Environmental  
Protection Agency**

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

May 10, 2011

Re: Washington County  
Loeber Gessel LLC  
Facility ID #0684015008  
Acceptance of Compliance Plan  
Certified #70101060000178962341

Mr. Richard Gessel  
Loeber Gessel LLC  
741 Blue Knob Road  
Marietta, OH 45750

**Subject: Acceptance of Loeber Gessel's submitted compliance plan**

Dear Mr. Gessel:

On March 30, 2011, I performed a site visit of Loeber Gessel LLC in Marietta, Ohio. Based on my inspection, a number of violations/issues were discovered including failure to conduct required monitoring and recordkeeping, and failure to employ best available control measures for the storage piles and the unpaved roadway and parking areas.

You were informed of these violations in a warning letter from me dated April 11, 2011. In the letter, I requested that you respond within 30 days and provide a plan and schedule to return the facility to compliance.

I received the requested written response from you on April 28, 2011 which included the following actions:

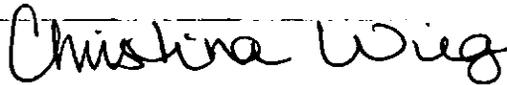
- Implementation of a monitoring and recordkeeping system for the storage pile inspections, unpaved roadway inspection, and material handling inspections that will be kept on site for all required observations;
- Removal the removal of the outside storage piles and sand that had escaped the enclosures (completed on April 12, 2011);
- Commitment to seal broken windows by the end of May 2011;
- Rebuilding of the roadways and use of a water truck to minimize or eliminate roadway visible emissions and material drag out;
- Requiring all drivers to inspect and clean their trucks before leaving the facility;
- Manually removing drag out onto public roadways by the use of wet sweeping; and
- Cease operation of second conveyor.

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The Ohio EPA accepts Loeber Gessel's plan and schedule as submitted. Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.6 of the Ohio Revised Code. The determination to pursue or to decline such penalties in this case will be made at a later date.

If you have any questions, feel free to contact me at (740) 380-5223 or email [christina.wieg@epa.state.oh.us](mailto:christina.wieg@epa.state.oh.us).

Sincerely,



Christina Wieg  
Environmental Specialist III  
Division of Air Pollution Control  
Southeast District Office

CW/mlm

cc: Ralph Witte, OCCAP/SEDO  
Bruce D. Weinberg, DAPC/SEDO