



State of Ohio Environmental Protection Agency

Southeast District Office

2195 Front Street
Logan, Ohio 43138

TELE: (740) 385-8501 FAX: (740) 385-6490
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

December 15, 2010

Re: Washington County
Richard Gessel
Warning Letter
Certified: 70101060000178960613

Richard Gessel
741 Blue Knob Road
Marietta, OH 45750

Dear Mr. Gessel:

On December 1, 2010, I conducted a site visit to your facility located on Green Street in Marietta, Ohio. The inspection was conducted in response to a complaint our agency received. The complaint indicated that the facility was releasing particulate emissions into the air from the frac sand material handling operation taking place at this location.

While at the facility, I spoke to one of your employees who also confirmed that you are conducting a material loading operation at this location. The employee indicated that the facility receives frac sand via truck and the sand is dumped inside of the building. The frac sand is then stored in piles within the building until it is pneumatically conveyed into tanker trucks and shipped off of the property.

I observed several emissions units that may be required to obtain Ohio EPA, Division of Air Pollution Control permits to install and operate (PTIO) in accordance with OAC rule 3745-31-02(A). These emissions units include, but may not be limited to, storage piles, material handling, and possibly the roadway and parking lots associated with the facility.

At this time, I am requesting that the facility examine the potentials to emit for these and any other possible air contaminant emissions units at the facility in order to determine if permits are needed. The installation and operation of a new air contaminant source without obtaining a PTIO is a violation of OAC rule 3745-31-02(A). More information can be found about the applicable regulations at <http://www.epa.ohio.gov/dapc/regs/regs.aspx#3745-31>.

Within 30 days of receipt of this letter, you shall submit a plan and schedule to return the facility to compliance. The plan should include a time line for completing corrective actions and should specify the corrective actions taken. If the facility determines that permits are required for any facility operation, the required PTIO application should be included with your response to this letter.

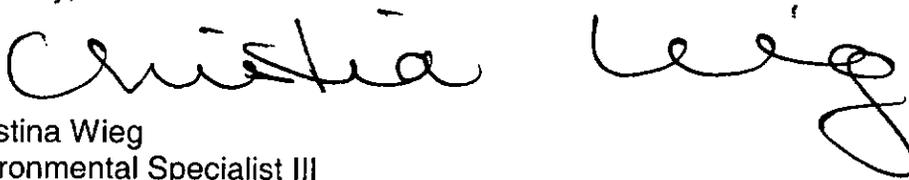
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Acceptance by the Ohio EPA of a schedule for compliance does not constitute a waiver of the Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or decline to pursue such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

I encourage the facility to contact Ralph Witte, with Ohio EPA's Compliance Assistance and Pollution Prevention Program at (740) 380-5241. Ohio EPA provides compliance assistance to help small businesses understand and comply with environmental regulations. The service is free, non-regulatory, and available to businesses with fewer than 100 employees.

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 regarding this matter, feel free to contact me at (740) 380-5223 or email christina.wieg@epa.state.oh.us.

Sincerely,



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

CW/mlm

Enclosure

OCAP information
PTIO fact sheet

CC: Bruce D. Weinberg, DAPC/SEDO
Ralph Witte, OCAPP/SEDO
Marietta Council and Committee