



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

August 27, 2010

Re: Belmont County
Road Dust
Complaint 30001491

Certified: 70101060000178960026

Mr. Justin Harris
Hillside MX
66620 Ault Drive
St. Clairsville, Ohio 43950-8461

Dear Mr. Harris:

I am writing this letter in reference to complaints received by this office in July of this year concerning dust from your motocross track impacting the adjoining property on Gun Club Road, St. Clairsville.

On July 20, 2010, I investigated this complaint. There was no one at the track at the time of my investigation. The gate to the track was locked and there was no activity on the track. The private roadway to the track and the track are unpaved (appeared to be dirt). The closest house was to the left of the track, and there appeared to be a couple of campsites just past the track on the dirt road.

I spoke to you on July 23, 2010 and informed you of the complaints and my investigation. As I explained at that time, because the facility roadways and track are considered fugitive dust sources that are located in a county that is required to employ reasonably available dust control measures, the dust from the track and roadways must be controlled (please see the attached copies of Ohio Administrative Code rules 3745-17-01 and 3745-17-08). You told me that you disc the track before use and use water to control the dust. You also stated that on July 4, 2010, late in the day, the track did get dusty. Water is an acceptable dust control measure, but it must be applied often enough to control the dust from being emitted from the race track and roadway.

It does not appear that your current motocross track activities would trigger the Ohio EPA's air permitting requirements. However, if the dust emissions from the track and roadways are not adequately controlled and are released in such a manner as to endanger the health, safety or welfare of the public, or causing unreasonable injury or damage to property, the track activities can be found to be a public nuisance in violation of Ohio Administrative Code rule 3745-15-07 (air pollution nuisances prohibited). If the track activities are found to be a public nuisance, the Director of the Ohio EPA can require the track owners/operators to apply for and obtain a permit-to-install and operate for the track activities which may include additional, site-specific control requirements for the track activities. Please continue to make every effort to ensure that the dust generated from the track activities is controlled to the greatest extent possible.

Mr. Justin Harris
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If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,



Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

enclosures