



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

July 22, 2010

Re: Belmont County
Road Dust
Complaint 30001292

Certified: 70063450000190559406

The Honorable Mr. Lee
Mayor of Powhatan Point
104 Mellott St.
Powhatan Point, Ohio 43942

Dear Mayor Lee:

I am writing this letter in reference to complaints our office received regarding dust from Cove Road (Haul Road) impacting area residents. The first complaints were received in July of 2009. The roadway was treated once during that year to control the dust. Further complaints were received in November and December of 2009.

On May 24, 2010, the Ohio EPA received another dust complaint for Cove Road (Haul Road). On June 2, 2010, I investigated the most recent complaint. The road was again dusty and it did not appear that any type of dust control measures had been employed. On May 21, 2010, I spoke to you in regard to this complaint and you told me that the city was planning to use asphalt grindings for dust control and that the grindings would be applied within a couple of weeks. The dust complaints have continued. On July 7, 2010, I re-inspected the road. No dust control has been applied and no improvements to the road have been made. This road is used frequently and if the proposed new school is built near the end of the road, the traffic on this road will only increase. There needs to be a long-term plan for controlling the dust emissions from this roadway.

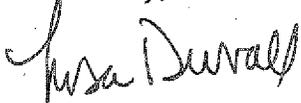
Ohio Administrative Code Rule 3745-15-07 prohibits air pollution nuisances. The rule reads, in part, "the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, in such manner or in such amounts as to endanger the health, safety or welfare of the public, or cause unreasonable injury or damage to property, is hereby found and declared to be a public nuisance. It shall be unlawful for any person to cause, permit or maintain any such public nuisance."

I am requesting a written response from you, within 10 days of receipt of this letter that includes a plan and schedule for controlling the dust emissions from this roadway.

The Honorable Dan Gadd
July 22, 2010
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If you have any questions regarding this matter, please contact me at this office at 740-380-5217 or 1-800-686-7330.

Sincerely,

A handwritten signature in cursive script that reads "Lisa Duvall".

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm