



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

November 19, 2010

Re: Noble County
Road Dust
Complaint 30001636

Certified: 70101060000178960460

Mr. John Foreman
The Noble County Engineer
Room 220 Courthouse
Caldwell, Ohio 43724-1292

Dear Mr. Foreman:

I am writing this letter in reference to complaints of dust impacting the residents (the Novak's) at 53888 Nicholson Road (County Road 36), Pleasant City. I have been to the site several times and have spoken to Mr. Mark Eicher of your office in regard to these complaints.

This road was treated with an asphalt emulsion early in the spring to control the dust caused by traffic on the road. This fall the road was graded and most of the asphalt emulsion was taken off the road. Gravel was added to the road surface.

I have investigated the complaints and found them to be valid. Nicholson Road curves at the Novak's property and goes up a hill past their house. The dust from the roadway blows towards their home from the straight stretch of roadway and the hill that passes their home on the right. I am enclosing copies of the pictures that show the dust enveloping their home. Ms. Novak has reported to me that she has respiratory problems that are aggravated by the dust.

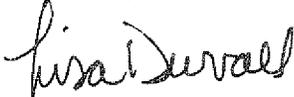
Ohio Administrative Code Rule 3745-15-07 prohibits air pollution nuisances. The rule reads, in part, the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, grime, acids, fumes, gases, vapors, odors, or any other substances or combinations of substances, 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. The dust emissions from Nicholson Road are excessive and measures need to be taken to address the dust nuisance.

Mr. John Foreman
The Noble County Engineer
November 19, 2010
Page 2

I am requesting a written response from you, within 10 days of receipt of this letter, which includes a plan and schedule for controlling the dust emissions from this roadway. Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code. The determination to pursue or to decline to pursue such penalties in this case will be made by Ohio EPA at a later date.

If you have any questions regarding this matter, please contact me 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