





State of Ohio Environmental Protection Agency

**Southeast District Office**

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Logan, Ohio 43138

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

December 5, 2008

Re: Perry County  
Road Dust  
Complaint 30000592

Certified: 70063450000190563649

Mr. Scott Parks  
Fields Excavating, Inc.  
177 Twp. Road 191  
Kitts Hill, Ohio 45645-8730

Dear Mr. Parks:

I am writing this letter in reference to continuing complaints of dust emissions impacting the residents of Corning, Ohio. On October 6, 2008, I received your response to my letter dated September 19, 2008 in reference to the dust emissions from the ongoing sewer construction project in Corning. In that letter, you committed to controlling the dust generated from the project using water suppression.

It does not appear that the measures you have taken have been sufficient. On November 5, 2008, I inspected the area and observed unacceptable levels of dust emissions from the streets affected by the construction project. I met with Mr. Chuck Jolivette of GGC, Inc. to discuss the situation. Washington, Walnut, and Jackson Streets had not been watered for several days. Valley Street had not been watered on the day of my inspection, but had been watered the previous day. I was informed that the water truck you were using had broken down and the local fire department's truck was going to be used to water the streets. I was also informed that the fire truck had broken down, but had had been fixed on November 4, 2008. I had requested that a log be kept to show when and how much water had been used to control the dust emissions from the streets mentioned above. This information had not been consistently recorded. The dust emissions from the sewer construction project in Corning are excessive and measures need to be taken to address the dust nuisance issues.

Ohio Administrative Code Rule 3745-15-05 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, which includes a plan and schedule for controlling the dust emissions from this construction project. Please note that water alone cannot be used on a daily basis during the winter season because

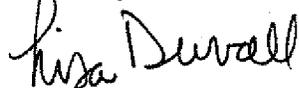
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of the freeze hazard. I am also requesting that you submit a weekly report that includes the date, time of day, the street identification, and the control measure(s) that was (were) utilized to control the dust emissions. This report should be submitted by Monday of the following week.

Acceptance by Ohio EPA of a schedule for compliance does not constitute a waiver of Ohio EPA's authority to seek civil penalties for any documented violations 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.

Sincerely,



Lisa Duvall  
Environmental Specialist  
Division of Air Pollution Control

LD/mlm

Cc: Mr. Randy Hermey, Mayor, P.O. Box 447, Corning, Ohio 43730-0447  
Cc: Mr. Chuck Jolivette, GGC Inc., 132 N. High St., Gahanna, Ohio 43230  
Cc: Mr. Dave Schuetz, Manger, Ohio EPA, DSW/SEDO