



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

September 19, 2008

Re: Perry County
Open Burning
Complaints 30000470 and 30000403

Certified: 70063450000190563397

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

Dear Mr. Parks:

I am writing this letter in response to complaints received by this office on July 21, August 13, and August 25, 2008. The complaints allege that dust from the sewer project in Corning, Ohio is causing a nuisance to area residents.

I first investigated this complaint on July 25, 2008. In the area of North Valley Road, Corning, I observed excessive amounts of dust from the roadway when traffic was present. I made several calls to Fields Excavating and GGC Inc. in regard to the situation and have spoken with Mr. Brian Conley and Mr. Chuck Jolivette on several occasions. The dust emissions from the unpaved portions of the project and from the working sections of the project need to be controlled. We have discussed using water as a means of dust control along with calcium chloride. I have been told that there is no plan to cover the areas that have been filled in with gravel until sometime next year. The dust emissions from the entire project will have to be controlled until the work in the area is finished.

On August 19 and September 3, 2008, I checked on the progress of the project. On August 19, 2008, I met with Mr. Conley. Water had been used on part of the roadways, but the amount of water was not sufficient to control the dust and there was no water used near the work area, where construction traffic and through traffic was kicking up a lot of dust. As I explained at that time, more effort must be made to control the dust both on the areas that have been filled with gravel and in the work areas. On September 3, 2008, no water had been applied. The water truck had broken down. There is also an issue of who will do the watering on Fridays, Saturdays, and Sundays because the contactors do not work on those days and some sort of dust control is required on those days also.

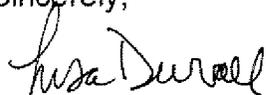
Ohio Administrative Code Rule 3745-15-07 prohibits air pollution nuisances. This includes the emission of dust, dirt, grime, etc. in such a manner as to endanger the health, safety or welfare of the public. It is unlawful to cause, permit or maintain any such public nuisance.

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I am requesting a written response from you, within 7 days of receipt of this letter, that includes a plan and schedule for controlling the dust emissions from this project for the duration of the project. 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, please contact me at 740-380-5217.

Sincerely,

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

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm

cc: Dan Messerly, DSW/SEDO