



State of Ohio Environmental Protection Agency

**Southeast District Office**

2195 Front Street  
Logan, Ohio 43138

TELE: (740) 385-6501 FAX: (740) 385-6490  
www.epa.state.oh.us

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

May 17, 2010

Re: Ross County  
Road Dust  
Complaint 30001360

Certified: 70063450000190558928

Mr. Larry Olaker  
Buckskin Township Trustee  
1326 Morton Road  
South Salem, Ohio 45681-9767

Dear Mr. Olaker:

I am writing this letter in reference to a complaint of dust impacting a resident on Dewey Creek Road, Frankfort. Logging trucks and grain trucks frequent this road.

On May 5, 2010, I investigated this complaint. There was chip and seal in front of most of the homes on Dewey Creek Road. In front of 423 Dewey Creek Road, the road surface was gravel. I noticed some dust when traffic travelled on this section of the road.

On May 7, 2010, I spoke to you by phone. You told me that there is chip and seal under the gravel, but that the roadway had potholes that necessitated putting gravel on the roadway. You indicated that you would like the home owner to attend a township meeting before anything is done to the road. I do not have the authority to require attendance to township meetings. If you would like the homeowner to attend a meeting, you may contact him.

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." This roadway is not being declared a nuisance at this time. However, if the dust issues are not addressed by the township and it is determined that the dust is adversely impacting the homes in the area, the roadway dust emissions may be declared a public nuisance.

I am requesting a written response from you, within 14 days of receipt of this letter, that includes a plan and schedule for controlling the dust emissions from this section of 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.

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If you or any of the other trustees 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