



**Environmental
Protection Agency**

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

June 15, 2012

Re: Harrison County
Road Dust and open burning
Complaint 30002376

Mr. Dan Wagner
Wagner Race Track
83000 Chapel Hill Road
Cadiz, Ohio 43907

Dear Mr. Wagner:

I am writing this letter in reference to a complaint of dust from your race track impacting an area resident and the burning of tires at your track.

On June 5, 2012, I met with you at the track and discussed both issues. You had cleared off part of a hill to make a "truck climb". During my investigation I observed evidence that trees and brush had been burned and saw another pile of brush that contained a few tires. You told me that you were going to burn this pile later. As I explained at that time, tires cannot be burned anywhere in Ohio. As a business you also cannot burn the trees, brush or any other type of waste for disposal purposes. In reference to the dust complaint you showed me two water trucks that are used to water the track. There is a creek nearby that is used as a water source and also a pond has been built on the property for water if the creek runs dry. Water should be applied to areas that are getting dusty to avoid becoming a nuisance to track visitors and area residents. We also discussed creating and keeping a log book to document what measures are being taken to control the dust from your track and roadways. Gravel was applied to the second driveway over the winter for maintenance and to cut down on dust from traffic exiting the raceway property.

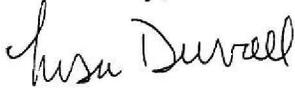
Open burning of improper waste materials at this location is in violation of Ohio Administrative Code (OAC) rule 3745-19-04 and is punishable by a fine. I am enclosing a copy of this rule for you. All open burning in violation of the requirements specified in OAC rule 3745-19-04 must stop immediately. If you continue to open burn improper waste materials at this location or any other location in Ohio, legal action may be taken against you.

OAC 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.

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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/cs