



**Environmental  
Protection Agency**

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

July 27, 2012

Re: Guernsey County  
Road Dust  
Complaint 30002433

Certified: 70102780000197044626

Liberty Township Trustees  
71149 Old 21 Road  
Kimbolton, Ohio 43749

Dear Liberty Township Trustees:

I am writing this letter in reference to complaints of road dust impacting area residents on McCleary's Mill Road, Kimbolton, Guernsey County.

On July 10, 2012, I investigated this complaint. McCleary's Mill Road from County Highway 35 to the 10732 block has no dust control. The roadway is dirt and gravel. The dust from traffic on the roadway is quite heavy.

I spoke to Trustee Matthews in regards to this complaint on July 13, 2012, and July 19, 2012. During our first conversation Mr. Matthews told me that the township has material to be used for dust control. As of our conversation on July 19<sup>th</sup>, no dust control had been applied.

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 McCleary's Mill Road near affected homes are excessive and measures need to be taken to address the road dust emissions before they create a nuisance condition.

I am requesting a written response from you, within 10 days of receipt of this letter, that includes a plan and schedule for controlling the dust emissions in the area of the homes on McCleary's Mill Road.

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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