

# AIR POLLUTION CONTROL DIVISION

OHIO EPA AGENCY 15 • APC CONTRACTUAL REPRESENTATIVE SERVING ALL OF STARK COUNTY



**Public Health**  
Prevent. Promote. Protect.

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HEALTH COMMISSIONER

## CANTON CITY HEALTH DEPARTMENT

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CANTON, OHIO 44702-1544  
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### CERTIFIED MAIL

MAY 23, 2013

Rene Vance  
3001 Connecticut Avenue  
Massillon, OH 44646

**Re: NOTICE OF VIOLATION**  
**Restriction of Emission of Fugitive Dust**  
**3001 Connecticut Avenue, Massillon, Ohio**

Since May 2012, the Canton City Health Department (CCHD), Air Pollution Control Division (APCD) has received numerous complaints regarding fugitive dust coming from a dirt track on this property. Verbal complaints were received on 5/29/2012, 6/26/2012, 8/13/2012, and two complaints were received on 4/8/2013. Nine written complaints were received on 4/11/2013. Investigators from our office visited your home on 6/28/2012 and 4/17/2013 and you were not home. Since your phone number is unlisted, I have been unable to contact you by phone.

I visited an adjacent property on Sunday, May 5, 2013 from 12:30 p.m.-3:30 p.m. and observed a four-wheeler and several dirt bikes riding at various times. I did not see any measures being taken to control the fugitive dust. Photographs were taken and are enclosed for your review. Using USEPA Method 22, I recorded visible emissions of fugitive dust from the track.

Below is a summary of the findings, violations, and actions that need to be addressed as a result of this investigation:

#### **Finding 1:**

On Sunday, May 5, 2013, using USEPA Method 22, visible emissions of fugitive dust were observed for 13 minutes and 17.5 seconds in a span of 22 minutes and 9 seconds coming from a dirt track at 3001 Connecticut Avenue, Massillon, Ohio. According to the Stark County Auditor's website, this property is owned by Rene Vance.

#### **Violation:**

These visible emissions of fugitive dust are a violation of Ohio Administrative Code 3745-17-07(B)(5) which states:

*"...there shall be no visible particulate emissions from any unpaved roadway or parking area except for a period of time not to exceed thirteen minutes during any sixty-minute observation period, as determined in accordance with paragraph (B)(4) of rule 3745-17-03 of the Administrative Code."*

Rule 3745-17-03(B)(4) of the Administrative Code states:

*"...visible emissions of fugitive dust shall be determined according to 'USEPA Method 22'...."*

This is also a violation of Ohio Administrative Code 3745-17-08(B) which states:

*"No person shall cause or permit any fugitive dust source...or a road to be used...without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne."*

#### **Finding 2:**

In the past year, our office has received 14 complaints regarding the fugitive dust at this address. We have observed these emissions in person and on video.

**Violation:**

We have determined that these visible emissions of fugitive dust are a violation of Ohio Administrative Code 3745-15-07 which reads:

*"...the emission or escape into the open air from any source or sources whatsoever, of smoke, ashes, dust, dirt, ...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."*

**Requested Actions:**

Please provide a written response (via email or regular mail) by June 7, 2013 detailing the following:

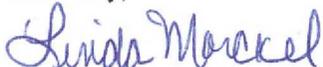
1. A written compliance plan detailing the corrective actions you plan to take to prevent these fugitive dust violations from occurring in the future and the estimated time frame for completion of those actions. The following are a few examples of corrective actions you may take, however, you are not limited to this list:
  - a. The periodic application of asphalt, water, or other suitable dust suppression chemicals
  - b. The paving of roadways and the maintaining of roadways in a clean condition or improving the surface with gravel or grass
  - c. The installation of fence of an appropriate height and construction to prevent fugitive dust from leaving the property
2. Copies of any dust control efforts implemented in 2013 for the track. If no efforts have been implemented, please include a statement of such.

**Additional Information:**

Please note also that the Ohio EPA has the authority to seek civil penalties as provided in section 3704.06 of the Ohio Revised Code (ORC). This letter or information pursuant to this letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties as provided in the ORC. Ohio EPA will determine later whether to pursue such penalties in this case.

If you have any questions, please contact me at 330-489-3385 or via email at [lmorckel@cantonhealth.org](mailto:lmorckel@cantonhealth.org).

Sincerely,



Linda Morckel  
Monitoring & Inspections Technician, Air Pollution Control

Enclosure: Photo documentation

Cc: Correspondence  
Complaints & Inspection Database, File #7974  
Township Trustee Doug Haines via email



Fugitive dust



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