OhioEPA
State of Ohio Environmental Protection Agency

Southeast District Office

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

April 30, 2010

Re: Washington County
Fugitive Dust
Complaint 30001338

Certified: 7006 3450 0001 9055 8799

Mr. Lhan Weppler
1820 Masonic Park Road
Marietta, OH 45750-5401

Dear Mr. Weppler:

I am writing this letter in reference to a complaint of dust from the four wheeler track on your property.

On April 13, 2010, I investigated this complaint. The track was not is use during my visit. You were not at home at the time of my investigation. The closest neighbor to the track appears to be at the top of the hill to the rear of your property line, though there are other neighbors that could also be impacted by the dust from the track. The house at the top of the hill is very close to the track. The whole hill has been cleared and all vegetation has been removed. There is a large potential for dust being emitted from the track on a dry, windy day or on a dry day while the track is in use.

On April 16, 2010, I spoke to you by phone in regard to this matter. As I explained to you at that time, the dust emissions from the hillside and track need to be controlled so that your neighbors are not impacted by the dust. You told me that you plan to seed the hillside and use water to wet the track.

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."

Until the seeding of the hillside takes hold, please continue to use water or other control measures to ensure that the dust from the hillside and track do not create a nuisance condition for your neighbors.

If you have any questions regarding this matter, please contact me at 740-380-5217 or 1-800-686-7330.

Sincerely,

Lisa Duvall

Lisa Duvall
Environmental Specialist
Division of Air Pollution Control

LD/mlm