



## REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties

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March 24, 2011

### Certified Mail

Mr. Marinko Gvozdanovic  
THMG 10 West Second LLC.  
10 W. Second Street  
Dayton, OH 45402

### WARNING LETTER

Mr. Gvozdanovic,

This letter is regarding complaints received by the Regional Air Pollution Control Agency regarding the excessive fugitive dust emissions at your property at 10 W. Second Street Dayton, OH. It is our understanding that THMG 10 West Second LLC. is performing repairs on the parking garage at this location. Furthermore, we understand that saw cutting and clean up with blowers is responsible for creating excessive dust at the location referenced above. take responsibility for controlling the fugitive dust emissions from the excavation of this property.

RAPCA received dust complaints on March 21 and March 22, 2011., and performed on-site investigations on both March 21 and March 22, 2011. On March 22, I was able to speak with your Facilities Engineer, David Rauch. Mr. Rauch confirmed that dry saw cutting and clean up using blowers were responsible for creating excessive dust at this location. Excessive fugitive dust at 10 W. Second Street, Dayton, OH 45402 is in violation of the following state and local air pollution control regulations:

1. Ohio Administrative Code (OAC) rule 3745-17-07, Visible particulate emissions limitations for fugitive dust
2. Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) rule 37454-17-08, Visible particulate emissions limitations for fugitive dust

Furthermore, RAPCA determined that THMG 10 West Second LLC. was not employing effective fugitive dust control measures, and was therefore operating in violation of the following:

1. OAC rule 3745-17-08, Restriction of emission of fugitive dust.
2. MCCGHDAPCR rule 3745-17-08, Restriction of emission of fugitive dust.

These rules state: "No person shall cause or permit any fugitive dust source to be operated; or any material to be handled, transported, or stored; or a building or its appurtenances or a road to be used, constructed, altered, repaired, or demolished without taking or installing reasonably available control measures (RACM) to prevent fugitive dust from becoming airborne."

