

Air Pollution Control Division

Canton City Health Department

420 Market Avenue North • Canton, Ohio • 44702-1544
(330) 489-3385 • Fax: (330) 489-3335

James M. Adams, R.S., MPH
Health Commissioner

Daniel J. Aleman, M.S., PE
APCD Administrator



APC Contractual Representative
Serving All of Stark County

COPY

Friday, May 29, 2009

Mr. James Jeffries
4634 Woodland AVE NW
Canton, OH 44709

Certified Mail
Stark County

Re: Notice of Violation: Ohio Administrative Code (OAC) 3745-17-08 (B); Restriction of emission of fugitive dust.

Dear Mr. Jeffries:

The Canton City Health Department, Air Pollution Control Division (APCD) represents the Ohio EPA in air quality matters within Stark County. As such, APCD employees are charged with the responsibility to investigate and enforce Ohio EPA air pollution regulations. APCD employees are authorized under Ohio Revised Code 3704.03 (L) to enter upon private property to determine if there is noncompliance with OEPA regulations.

This Agency has received multiple complaints alleging emissions of fugitive dust emissions from the unpaved roadway at the *Jeffries Slag Sales* located on a *Jeffries Bros Excavating & Paving Inc.* property on Trump AVE NE, parcel # 0400758, in Canton OH. The purpose of this letter is to inform you of the fugitive dust regulations and controls you MUST employ in order to prevent fugitive dust emissions and associated violations. The following regulations should be complied with:

- A) *Ohio Administrative Code (OAC) 3745-15-07* states that 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.
- B) *Ohio Administrative Code (OAC) 3745-17-08 (B)* states that no person shall cause or permit any fugitive dust source to be operated; or any materials 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 to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall be utilized which are appropriate to minimize or eliminate visible particulate emissions of fugitive dust.

Please review and understand the enclosed copy of OAC 3745-17-08. Subsection (2) refers to the periodic application of asphalt, oil (excluding any used oil as defined in paragraph (A)(12) of rule 3745-279-01 of the Administrative Code), water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust.

On 05/22/09, I had observed and documented a violation of 3745-19-08 utilizing Federal Reference Method 22 for visual determination of fugitive emissions from material sources. During this recorded observation period, there were 29 minutes, 6 seconds of emissions observed during a 60 minute observation period.

The Ohio Administrative Code 3745-17-07 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.

Per our conversation on 05/28/09 at, you informed me that the roadway will be paved within the next week. Should you have any questions concerning this violation notice or any of the enclosed regulations, please contact me at 330.489.3385.

The state law referenced in this letter issued by this Agency is OAC 3745-17-08 which is authorized by The Ohio Revised Code (ORC) 3704.03 (*Powers of director of environmental protection*). ORC 3704.05; (*Prohibited acts*) is the rule that would be utilized by the law department to seek a penalty by ORC 3704.99 (*Penalties*) of a fine not more than \$25,000.00 or imprisonment of not more than one year, or both, for each violation. Each day the violation continues after a conviction for a violation is a separate offense.

Regards,



Denny Tan

Staff Field Inspector II
Air Pollution Control Division
Canton City Health Department

Enc:

- 1) Photographs from inspection on 09/08/08, and 05/22/09;
- 2) OAC 3745-15-07 Air Pollution Nuisances Prohibited;
- 3) OAC 3745-17-07 Control of visible particulate emissions from stationary sources; and
- 4) OAC 3745-17-08 Restriction of emission of fugitive dust.

Pc:

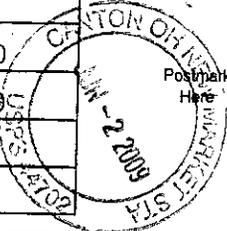
- 1) Addressee via Certified mail.
- 2) Complainant(s)
- 3) Correspondence file, May 2009.
- 4) Fugitive dust sources file.

DT/dt

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Return Receipt Fee (Endorsement Required)	2.30	
Restricted Delivery Fee (Endorsement Required)		
Total Postage & Fees	\$	

Sent To
MR. JAMES JEFFRIES
 Street, Apt. No., or PO Box No. **4634 WOODLAND AVE NW**
 City, State, ZIP+4
CANTON, OH 44709

PS Form 3800, August 2006 See Reverse for Instructions

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:
MR. JAMES JEFFRIES
4634 WOODLAND AVE NW
CANTON, OH 44709

COMPLETE THIS SECTION ON DELIVERY

A. Signature *James Jeffries* Agent
 B. Received by (Printed Name) Addressee

C. Date of Delivery
 D. Is delivery address different from item 1? Yes
 If YES, enter delivery address below: No

3. Service Type
 Certified Mail Express Mail
 Registered Return Receipt for Merchandise
 Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee) Yes

2. Article Number
 (Transfer from service label)
 PS Form 3811, February 2004

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Domestic Return Receipt

102595-02-M-1540