



AKRON REGIONAL
AIR QUALITY MANAGEMENT DISTRICT

Agent of the Ohio Environmental Protection Agency • Division of the Akron Health Department
Serving Medina, Portage and Summit Counties

TELEPHONE: (330) 375-2480
FAX: (330) 375-2402

Frank J. Markunas
~~L. M. Malcom, P.E.~~
Administrator

April 26, 2010

Mr. Donald J. Miller, Owner
Career Driving & Learning Centers
1350 Kelly Avenue
Akron, OH 44306

Dear Mr. Miller:

You are hereby cited for violations of the Ohio Administrative Code (OAC) rule 3745-17-08, Restriction of Emission of Fugitive Dust, OAC rule 3745-17-07, Control of Visible Particulate Emissions from Stationary Sources, and Title 9 Section 97.01 of the Akron Code of Ordinances. These violations have occurred on your property at 1350 Kelly Avenue in Akron, Ohio (Summit County).

On April 16, 2010, an inspector from the Akron Regional Air Quality Management District (ARAQMD) observed excessive dust blowing across Kelly Avenue from your training area at 1350 Kelly Avenue. The inspector observed three trucks running/training continuously for at least 40 minutes creating a horrific amount of dust and causing a visibility hazard on Kelly Avenue. A visible reading of particulate emissions from training activities showed that there were over 17 minutes of visible emissions in a 30 minute observation period. At no time during the observation period did CDL employ any measures to minimize or eliminate fugitive dust emissions.

Be advised that the above noted conditions constitute violations of OAC rule 3745-17-08, OAC rule 3745-17-07, and Title 9 Section 97.01 of the Akron Code of Ordinances. Under these rules, CDL is required to employ Reasonably Available Control Measures (RACM) to prevent fugitive dust from becoming airborne and restrict visible particulate emission from any unpaved roadway or parking area to a time not to exceed 13 minutes in any 60 minute observation period. Creating a visibility hazard on the adjacent highway is also a violation of OAC rule 3745-15-07 which prohibits any person from causing, permitting or maintaining a public nuisance.

CITICENTER - SUITE 904

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You have been notified on several occasions regarding excessive fugitive dust and given either verbal or written orders to dust treat as often as necessary. The dates of the other complaints are as follows: September 16, 2004 (written orders issued September 23, 2004 and a notice of violation sent October 13, 2004), July 25, 2005 (verbal orders given July 26, 2005), April 12, 2006 (verbal orders given April 13, 2006 and a notice of violation sent April 18, 2006), May 15, 2007 (written orders issued May 15, 2007), and May 15, 2009.

In light of these new violations and continued non-compliance with Ohio Administrative Code rule 3745-17-08 and Title 9 Section 97.01 of the Akron Code of Ordinances, **you are requested to take the following actions within fifteen (15) days of receipt of this letter** to address the generation of fugitive dust at this facility:

- A) Submit, in writing, a compliance plan and schedule to bring this facility into compliance with Ohio air pollution control law. The plan and schedule should identify specific steps that will be taken to minimize or eliminate the emissions of fugitive dust from facility activities and a schedule or time frame for implementing the control measures.**

- B) Submit a complete and approvable permit application to this Agency for a Permit-to-Install and Operate (PTIO) in accordance with OAC rule 3745-31. (Forms enclosed).**

Acceptance by this Agency of your compliance plan and schedule and/or permit application does not constitute a waiver of this Agency's authority to seek civil penalties in this matter. Be advised that Ohio Revised Code allows for civil penalties of up to \$25,000 per day per violation. The decision to pursue or decline to pursue additional enforcement action in this matter will be made at a later date.

If you have any questions regarding this matter, please contact me at 330/375-2480 extension 6054.

Sincerely,

A handwritten signature in black ink, appearing to read 'F. Markunas', written over a horizontal line.

Frank Markunas
Administrator

Enclosures
Certified Mail