



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

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L. M. Malcolm, P.E.
Administrator

October 23, 2008

Mr. Dominic Cioffi
Cioffi & Son Construction Co.
1001 Eastwood Avenue
Akron, OH 44305

Dear Mr. Cioffi:

You are hereby cited for violations of the Ohio Administrative Code section 3745-17-08 (B)(1) (Fugitive Dust) and Title 9 Section 97.01 of the Akron Code of Ordinances. These violations have occurred on your jobsites throughout the city of Akron, Ohio (Summit County).

On June 27, 2006 our office received a complaint regarding excessive dust as a result of saw cutting concrete, without any method of dust control, at the corner of Glenwood Avenue and Dayton Street. An inspector from the Akron Regional Air Quality Management District (ARAQMD) investigated the complaint and found workers from Cioffi & Son Construction Co. (Cioffi) sawing concrete sidewalks without water or any method of dust control/minimization. A representative from your company was contacted, the fugitive dust regulations were explained, and orders to cease and desist were verbally issued. Upon leaving that jobsite the inspector observed a worker from your company sawing concrete on N. Howard Street again without the use of dust control. You were contacted via telephone and met with the inspector at the Howard Street site. At that time the regulations were explained and you made a commitment to use wet saws or appropriate dust control methods.

On July 11, 2006 an inspector from our office observed a worker from Cioffi sawing concrete curbs, without dust control, at the corner of Dayton Street & Burn Avenue. At a second jobsite nearby, your workers were using water during cutting. Contact was made with Mike, the foreman, who promised to use water during all cutting/sawing activities.

On November 17, 2006 an inspector from our office observed a worker from Cioffi sawing concrete block without dust control. The sawing was occurring at the northwest corner of N. Adams & E. Market Streets. Mike, the foreman, was advised to use dust control. Mike had been advised of the regulations at least two times prior.

On November 30, 2006 a Notice of Violation letter was issued to your company advising you of the ongoing violations.

On December 11, 2006 you responded by submitting a "plan to control fugitive dust on your construction sites when cutting or sawing operations are being performed."

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

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On April 29, 2008 an inspector from our office observed a worker from Cioffi sawing concrete curbs without dust control. This violation occurred on N. Howard Street between Vesper Street and Tallmadge Avenue. A representative of your company was contacted and written orders to cease and desist were issued.

On May 9, 2008 a Notice of Violation letter was issued to your company, again advising you of ongoing violations and requesting a written commitment from you. As of this date, you have not responded.

On June 12, 2008 an inspector from our office observed a Cioffi worker dry sawing concrete sidewalk on Shelburn Avenue, at the corner of Stetler Avenue, at 9:00 a.m. Contact was made and written orders to cease and desist were issued to the worker. At 10:05 a.m., the same worker was observed sawing without dust control at the same location.

Additional nuisance complaints have been received by this agency regarding the dry sawing/cutting of concrete and lack of dust control by Cioffi in this Ellet neighborhood.

On June 25, 2008 our agency received a complaint regarding a Cioffi worker dry cutting concrete in front of a home at 478 Sieber Avenue. The dry cutting/sawing occurred on June 24, 2008 between 4:00 and 5:00 p.m. This activity was performed approximately 12 feet from the complainant's home. Photos were taken. The complainant also referred to the dry cutting/sawing at the corner of Stetler Avenue and Trenton Avenue, by a Cioffi worker, the prior week at 8:00 p.m.

On June 27, 2008 an inspector from our office observed a Cioffi worker sawing a concrete manhole without dust control. This violation occurred on N. Howard Street at the corner of Vesper Street. The saw being used had a water hose connection. This violation occurred on an air advisory day for fine particulates and ozone.

On July 7, 2008 Cioffi workers poured concrete at the corner of N. Howard Street and Tallmadge Avenue. On July 8, 2008 at 10:15 a.m. an inspector from our agency observed that the concrete had already been dry sawed. Photos were taken.

On July 28, 2008 Notice of Violation letters were issued to your company and the City of Akron's Engineering Bureau, again advising of ongoing violations and requesting a written commitment including a detailed description of the dust control measures you will be utilizing.

On August 7, 2008 the City of Akron responded in a letter stating as part of its contract, Cioffi is required to comply with the requirements of the Ohio Administrative Code section 3745-17-08 (B)(1) and Title 9 Section 97.01 of the Akron Code of Ordinances. The City of Akron also referenced meeting with Cioffi, twice, to discuss the matter and reinforce Cioffi's obligations to comply with the regulations and ordinances cited above.

On August 12, 2008 you responded in a letter stating "We will use water to control the dust of the saws."

Additionally, on October 3, 2008 an inspector from our office observed workers from Cioffi jack hammering concrete without dust control at 527 N. Howard Street in the city of Akron and written orders were issued at this time. Dominic Cioffi was contacted, via telephone, from this site. He (Dominic) claimed to not know he had to control dust generated by jack hammering.

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In light of the ongoing violations and continued non-compliance with the Ohio Administrative Code section 3745-17-08 (B)(1) (Fugitive Dust) and Title 9 Section 97.01 of the Akron Code of Ordinances, you are urged to take appropriate steps to be sure that no further illegal generation of fugitive dust occurs on any jobsites cited above or any others wherein you are employed. **Within seven (7) days of receipt of this letter, please submit a written commitment to cease all further illegal generation of fugitive dust and a detailed description of the dust control measures you will be utilizing.**

Acceptance by this agency of your commitment does not constitute a waiver of this agency's authority to seek civil penalties as provided in Title 9 Section 97.01 of the Akron Code of Ordinances, or to refer the matter to the Ohio EPA for their enforcement action (including imposition of civil penalties). The determination to pursue or to decline such penalties will be made at a later date.

If you have any questions regarding this matter, please contact me at 330/375-2480 ext 6051.

Yours truly,



L. M. Malcolm, PE
Administrator

BKG:LMM
Certified Mail
Enclosure

cc Richard Merolla - Service Director, City of Akron
Ralph Coletta PE - Engineering Bureau, City of Akron