

**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**

**L. M. Malcolm, P.E.
Administrator**

May 9, 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 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 S. 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 workers from Cioffi & Son Construction 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 workers from Cioffi & Son Construction sawing concrete 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.

On November 30, 2006, a Notice of Violation letter was sent 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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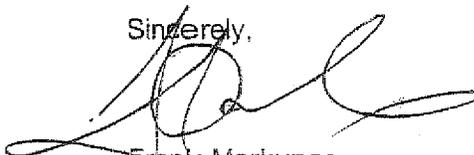
On April 29, 2008, an inspector from our office observed a worker from Cioffi & Son Construction sawing concrete curbs without dust control. This violation occurred on N. Howard Street between Vesper and Tallmadge Avenue. A representative of your company was contacted and written orders to cease and desist were issued.

In light of these violations and 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 this jobsite or any others wherein you are employed. **Within seven 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 L. M. Malcolm at 330/375-2480 extension 6051.

Sincerely,



Frank Markunas
Chief Engineer

BKG
Certified Mail
Enclosure