



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
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L. M. Malcolm, P.E.
Administrator

March 11, 2009

Mr. Fred Innamorato, President
Foti Contracting
2501 West 3rd Street
Cleveland, OH 44113

To Mr. Innamorato:

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.

On October 23, 2008 an inspector from the Akron Regional Air Quality Management District (ARAQMD) observed excessive fugitive dust being generated by the sawing of block without the benefit of dust control. Ohio Administrative Code section 3745-17-08 (B)(1) was explained and a written order to comply was issued to Keith Gallegly a representative of Foti Contracting. On October 24, 2008 an inspector from the ARAQMD again observed the sawing of block without dust control measures being taken. These violations occurred on the University of Akron stadium jobsite at the corner of Vine and South Union Streets.

On February 25, 2009, at 11:05 a.m., an inspector from the ARAQMD observed a worker from Foti Contracting sawing block without dust control at the northeast corner of the University of Akron stadium jobsite facing Spicer Street. At 1:30 p.m. the inspector observed a Foti Contracting worker sawing block without dust control at the southeast corner of the same jobsite. Written orders to comply were given to John Baisden of Welty Contracting for Foti Contracting. Mr. Baisden advised the inspector that he would contact Foti Contracting the following day regarding the violations.

On March 5, 2009, at 2:25 p.m., an inspector from the ARAQMD observed Todd from Foti Contracting sawing block without dust control on scaffolding at the northeast corner of the University of Akron stadium jobsite. Todd stated that "the hose connection to the saw just broke when you took the picture."

In light of the continued 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 these jobsites 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.**

CITICENTER - SUITE 904

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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 extension 6051.

Yours truly,



L. M. Malcolm, PE
Administrator

BKG:LMM
Certified Mail
Enclosure

cc Ted Curtis, VP – University of Akron
Jon Hefner, Project Mgr – Welty Bldg Co