



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

December 14, 2007

Mr. John Smith  
H. M. Miller Construction Company  
PO Box 131  
Mogadore, OH 44260

Dear Mr. Smith:

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 on Summit Street (near the corner of Mill Street), and on Kent Street (near the corner of Arlington Street) in the city of Akron (Summit County).

On October 16, 2007, an inspector from the Akron Regional Air Quality Management District observed excessive fugitive dust being generated on Summit Street in the City of Akron. The dust was the result of saw cutting brick without water to suppress the dust. At this time, contact was made, the fugitive dust regulations were explained, and a written order to "cease and desist" all illegal sawing/cutting activities was issued. A copy of the Ohio Administrative Code (OAC) section 3745-17-08 was also provided.

On December 14, 2007, an inspector observed excessive fugitive dust being generated on Kent Street as the result of saw cutting cement sidewalk without water or any method of dust suppression. At this time, contact was made and a second written order to "cease and desist" all illegal sawing/cutting activities was issued. Again a copy of the OAC section 3745-17-08 was provided.

On August 16, 2007, an inspector observed excessive fugitive dust being generated by excavating activities in the 4200 block of State Route 43 (Brimfield Township, Portage County). The fugitive dust regulations were explained and a copy of said regulations was given the H. M. Miller foreman (Scott) on site.

In light of this most recent violation, 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. **Within fifteen days of receipt of this letter, please submit a written commitment to cease all further illegal generation of fugitive dust.**

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 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 to pursue 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

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

*An equal opportunity employer and provider of services - CRA 1964*