



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

September 4, 2008

Mr. Jason D. Mushrush
Mushrush Utility Contracting, Inc.
2690 Joyce Hill Road, SW
New Philadelphia, OH 44663

Dear Mr. Mushrush:

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 December 21, 2007, an inspector from the Akron Regional Air Quality Management District (ARAQMD) observed excessive dust near the intersection of Buchtel Avenue and E. Market Street. Upon investigation the inspector observed three workers from Mushrush Utility Contracting sawing masonry without water or any method of dust control/minimization. A representative of Mushrush was contacted onsite, the fugitive dust regulations were explained, and a written "order to comply" was issued.

On April 8, 2008, our office received two complaints citing excessive dust being generated on Mill Street near the intersection of Union Street. Both complaints named Mushrush Utility Contracting as the company involved and cited sawing and jack hammering activities as the cause. During subsequent investigation, by an inspector from our office, workers from Mushrush Utility Contracting were observed jack hammering and performing other construction activities without dust control at this site. Evidence of saw cutting without dust control was also observed on the site. A written "order to comply" was again issued to a representative from your company.

On August 4, 2008, an inspector from the ARAQMD observed excessive fugitive dust being generated as the result of a worker from Mushrush jack hammering the sidewalk without adequate dust control. This violation occurred at 146 S. High Street. Contact was made and a written "order to comply" was again issued to a representative of Mushrush Utility Contracting.

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

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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 any jobsites 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 extension 6051.

Yours truly,



L. M. Malcolm, PE
Administrator

BKG:LMM
Certified Mail
Enclosure
cc Tom Kalman, Ohio EPA