



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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Frank J. Markunas
~~Mr. Markunas, P.E.~~
Administrator

May 14, 2010

Mr. William Pustelak
Pustelak Masonry
9070 Peach Street, Suite 2
Waterford, PA 16441

Dear Mr. Pustelak:

You are hereby cited for violations of the Ohio Administrative Code section 3745-17-08 (B)(1) (Fugitive Dust) and Title 9 Section 97.18 of the Akron Code of Ordinances. The aforementioned violations occurred in 2009 on the Ravenna High School jobsite in Ravenna, Ohio (Portage County), and on May 12, 2010, within the city of Akron (Summit County).

On May 12, 2010, an inspector from the Akron Regional Air Quality Management District (ARAQMD) observed a worker from Pustelak Masonry sawing block using a "quickie saw" without dust control. Contact was made with Greg, the Pustelak foreman, and a written order to comply was issued. A copy of the Ohio Administrative Code 3745-17-08 was provided. This violation occurred at Schumacher Elementary School, 1031 Greenwood Avenue in the city of Akron.

Regarding the Ravenna High School jobsite, on August 20, 2009, an inspector from the ARAQMD observed workers from Pustelak Masonry sawing brick without dust control. At this time, two "quickie" saws and one chop saw were operating without dust control. Contact was made with Frank and Greg, both employees of Pustelak Masonry. The Ohio Administrative Code section 3745-17-08 (B)(1) was explained, copies were provided, and a written order to comply was issued.

On August 28, 2009, an inspector from the ARAQMD observed dust in the courtyard area where Pustelak Masonry employees were working. Contact was made with Greg and Frank, and the inspector observed a saw on site. No sawing occurred in the courtyard area while the inspector was present.

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On September 3, 2009, an inspector from ARAQMD observed dust from the sawing of block. A Pustelak Masonry worker hooked up a water canister to the "quickie" saw as the inspector talked to Greg, also of Pustelak Masonry. Per Greg, Pustelak is trying to comply but doesn't have water on every saw. A written order to comply was issued to Greg, of Pustelak, on the following day (September 4, 2009).

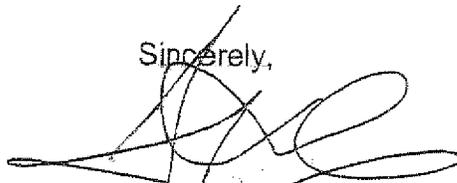
On November 16, 2009, an inspector from ARAQMD observed Pustelak Masonry employees sawing block on a table saw without dust control. Water was not being used with the saw as shown in photos taken at this time. A verbal order to comply was issued to Ray Giambrone for Pustelak Masonry. Pustelak Masonry is a sub-contractor for Giambrone Construction.

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 97.18 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 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 97.18 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 Bonetta Guyette at 330/375-2480 extension 6055.

Sincerely,



Frank Markunas
Administrator

BKG:FM
Enclosure
Certified Mail