



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

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L. M. Malcolm, P.E.
Administrator

July 6, 2007

Mr. Martin Schlessel, President
Tri Mor Corporation
8530 N. Boyle Parkway
Twinsburg, OH 44087-2267

Dear Mr. Schlessel:

This letter is a result of recent investigations regarding excessive fugitive dust emissions from construction activities off of Marion Avenue in Springfield Township and on Thayer Street in the city of Akron. The intent is to outline your obligations under Ohio air pollution regulations. The Akron Regional Air Quality Management District (ARAQMD) is a contractual agent for the Ohio Environmental Protection Agency (Ohio EPA) responsible for enforcing air pollution regulations in Summit, Portage, and Medina Counties.

On June 26, 2007, our office received a complaint regarding excessive fugitive dust at a residential development located adjacent to the 300 block of Marion Avenue in Springfield Township. On June 27, 2007, an inspector from our office investigated the complaint, visible emissions readings were taken, and a violation was documented. The readings revealed 16 minutes and 46 seconds of visible emissions during a sixty-minute observation period. The violation was a result of trucking materials on unpaved haul roads without the benefit of any form of dust suppression. A representative of Tri Mor was contacted on the site, regulations were explained, and a written order to comply was issued.

On June 28, 2007, our office received a complaint regarding excessive dust being generated by concrete sawing at the corner of Thayer Street and E. Tallmadge Avenue in the city of Akron. During an investigation the same day, an inspector from our office observed workers sawing concrete without the benefit of water or any means to minimize the dust being generated. A representative of Tri Mor was contacted on the site, the regulations were explained, and a written order to comply was issued.

Ohio Administrative Code (OAC) rule 3745-17-08 states, in part, that no person shall cause or permit any fugitive dust source to be operated; or any materials to be handled, transported, or stored or a road to be used, constructed, altered, or repaired without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such measures shall include, but not be limited to, one or more of the following which are appropriate to minimize or eliminate visible emissions of fugitive dust:

- 1) The use of water or other suitable dust suppression chemicals for the control of fugitive dust from the demolition of existing buildings or structures, construction operations, the grading of roads or the clearing of land;
- 2) The periodic application of asphalt, oil, water, or other suitable dust suppression chemicals on dirt or gravel roads and parking lots, and other surfaces which can cause emissions of fugitive dust;

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Mr. Martin Schlessel, President

Page 2

July 6, 2007

- 3) The covering, at all times, of open bodied vehicles when transporting materials likely to become airborne;
- 4) The paving of roadways and the maintaining of roadways in a clean condition; and
- 5) The prompt removal, in such a manner as to minimize or prevent resuspension, of earth or other materials from paved streets onto which earth or other materials have been deposited by trucking or earth moving equipment or erosion by water or other means.

For the purpose of determining compliance with the above, a control measure shall be considered adequate if it complies with the following visible emissions limitations contained in OAC rule 3745-17-07:

- 1) There shall be no visible particulate emissions from any paved roadway or parking area except for a period of time not to exceed six (6) minutes during any sixty-minute observation period;
- 2) There shall be no visible particulate emissions from any unpaved roadway or parking area except for a period of time not to exceed thirteen (13) minutes during any sixty-minute observation period;
- 3) Except as otherwise provided, visible particulate emissions from any fugitive dust source shall not exceed twenty (20) percent opacity as a three minute average.

Be advised that the aforementioned situations constitute violations of Ohio EPA air pollution control law and applicable regulations as described above. Please note that you may also be in violation of OAC rule 3745-15-07, Air Pollution Nuisances Prohibited, given the proximity to residences and commercial activities.

In order to resolve these and future situations, you are requested to implement control measures on your job sites immediately. Secondly, provide a written detailed plan to this office within seven (7) days of receipt of this letter for dust control methods you will be utilizing, now and in the future, based on the activity, i.e., unpaved haul roads, carry out onto paved roadways, and saw cutting of concrete.

The acceptance of a plan and schedule to resolve air pollution violations in this case in no way waives the right of the U.S. EPA, the Ohio EPA, or this Agency to pursue additional enforcement action in this matter. Note that State law allows for monetary penalties of up to \$25,000 per day per violation. The decision to pursue or to decline to pursue additional enforcement action will be made at a later date.

If you have any questions, please contact L. M. Malcolm at 330/375-2480 x6051.

Sincerely,



Frank J. Markunas
Chief Engineer

Certified Mail

cc Tom Kaiman, Ohio EPA

L. M. Malcolm, ARAQMD

Bonetta Guyette, ARAQMD