



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

June 15, 2009

Mr. Ted Curtis, Vice President
University of Akron Planning
100 Lincoln Street, 3rd Floor
Akron, OH 44325-0405

Mr. Don Taylor, President
Welty Building Company Ltd.
3421 Ridgewood Road, Suite 200
Fairlawn, OH 44333

Dear Mr. Curtis and Mr. Taylor:

You are hereby cited for violations of the Ohio Administrative Code section 3745-17-08 (B)(1)&(9) (Fugitive Dust) and Title 9 Section 97.01 of the Akron Code of Ordinances. These violations have occurred on the University of Akron stadium jobsite in the city of Akron, Ohio (Summit County).

Numerous fugitive dust violations have been documented on the University of Akron stadium jobsite. Contact has been made previously with:

The University of Akron: Ted Curtis and Frank Horn

Welty Building Company Ltd: George Prebonick, Dave Kosinski, John Baisden, Jon Hefner, and another unnamed employee

Kenmore Construction: Jack (a foreman), Jim Dreiling, and Matt Moravec (Vice President)

Foti Contracting/West Third Street Construction: Fred Innamorato (President), Keith Gallegly, and Todd

Duer Construction Company: Mike (for Harold Adkins)

Martin Enterprises: Bob Geiger (foreman)

On May 23, 2008 an inspector from Akron Regional Air Quality Management District (ARAQMD) conducted visible emissions readings on Brown Street at the entrance/exit to the University of Akron stadium jobsite. A violation was documented. The entrance/exit on the east side of the jobsite at Spicer and Nash Street was also producing large quantities of fugitive dust.

On May 28, 2008 the Kenmore Construction foreman (Jack) at the University of Akron stadium jobsite and George Prebonick (Welty Superintendent) were contacted regarding the dust. Verbal orders were issued to cease and desist and to utilize an appropriate form of dust control/minimization.

CITICENTER - SUITE 904

146 SOUTH HIGH STREET • AKRON, OHIO 44308

An equal opportunity employer and provider of services - CRA 1964



Printed on Recycled Paper

Mr. Ted Curtis and Mr. Don Taylor

Page 2

June 15, 2009

On June 25, 2008 an inspector from ARAQMD observed carry out in front of 414 E. Exchange Street creating a copious amount of fugitive dust. The carry out was from the University of Akron stadium jobsite. The street sweeper running in the area was totally ineffective. Visible emissions readings, of fugitive dust, were taken and a violation was documented. Complaints were received from local residents at this time.

On October 23 and 24, 2008 an inspector from ARAQMD observed excessive fugitive dust being generated at the corner of Vine and South Union Streets, the University of Akron stadium jobsite, due to carry out being re-suspended by traffic on both paved and unpaved haul roads. On October 24, 2008 visible emissions readings were taken at this site on the paved roadway and a violation was documented. No dust control methods were being utilized on either day.

Also on October 23 and 24, 2008 an inspector from ARAQMD observed workers from Foti Contracting sawing block without dust control on the University of Akron stadium jobsite, corner of Vine and South Union streets. A written order to comply was issued to a Foti representative.

On February 25, 2009 an inspector from ARAQMD observed a worker from Foti Contracting sawing block without dust control. The violation occurred at the northeast corner of the University of Akron stadium jobsite facing Spicer Street. A written order to comply was given to John Baisden of Welty Building Company for delivery to Foti Contracting. John advised the inspector that he would contact Foti the following day regarding the violations.

On March 4, 2009 an inspector from ARAQMD observed a worker from Martin Enterprises sawing brick without dust control at the corner of Spicer and East Exchange Streets for the University of Akron stadium project. A written order to comply was issued to Bob Geiger, foreman.

On March 5, 2009 an inspector from ARAQMD observed fugitive dust resulting from carry out on numerous streets adjacent to the University of Akron stadium jobsite. These streets included: Exchange, Spicer, Vine, and others. Contact was made with Jon Hefner of Welty Building Company Ltd. and clarification of the party responsible for dust control was requested. Clarification was not provided. A meeting was scheduled for March 10, 2009 at Welty's jobsite trailer.

On March 5, 2009 an inspector from ARAQMD observed a worker from Foti Contracting sawing block without dust control. The violation occurred on the northeast corner of the stadium jobsite. Contact was made with a Foti worker at this time.

On March 5, 2009 an inspector from ARAQMD observed a worker from Duer Construction Company sawing block without dust control. The violation occurred on the north end of the stadium jobsite. Written orders were issued to Harold Adkins of Duer.

The March 10, 2009 meeting was attended by Jon Hefner (Welty), Mr. Lynn Malcolm (ARAQMD Administrator), Bonetta Guyette (ARAQMD), and another representative of Welty. The requirements for compliance with the fugitive dust regulations were discussed, and assurance was given by Jon Hefner that the dust problems would be addressed and resolved. Jon stated he would contact Kenmore Construction (Mr. Scaia "Bill") and the streets would be cleaned.

Mr. Ted Curtis and Mr. Don Taylor
Page 3
June 15, 2009

On March 17, 2009 during a follow up inspection, Vine Street was found to be in deplorable condition. Dust was being generated by construction traffic, University of Akron traffic, and wind. Jon Hefner was called and asked to meet the inspector on site at Vine and South Union streets. Jon claimed he talked to Bill (Kenmore Construction) and they cleaned up some streets around the site. Visible emissions readings were taken and a violation was documented.

On March 19, 2009 ARAQMD emailed photos to Ted Curtis (University of Akron) taken on March 17, 2009 on Vine Street where a violation was documented.

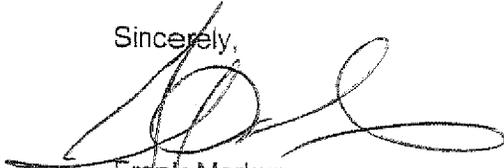
On June 4, 2009 an inspector from the Akron Regional Air Quality Management District (ARAQMD) observed a copious amount of fugitive being generated in the 400 block of E. Exchange Street. The dust was a result of carry out, from the stadium jobsite, being re-suspended by traffic. Violations of the OAC 3745-17-08 were documented at two locations on E. Exchange Street on this date. No dust control method(s) were observed at this time.

In light of continued violations and non-compliance with the Ohio Administrative Code section 3745-17-08 (B)(1)&(9) (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 this jobsite 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.**

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, please contact Bonetta Guyette at 330/375-2480 extension 6055.

Sincerely,



Frank Markunas
Chief Engineer

BKG
Certified Mail
Enclosure