

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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L. M. Malcolm, P.E.  
Administrator

November 9, 2009

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

Dear Mr. Curtis:

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 occurred on the University of Akron stadium jobsite and the University of Akron Multiplex Housing complex jobsite in the city of Akron, Ohio (Summit County). The University of Akron Stadium parking area (corner of E. Exchange and Spicer Streets) has also been the location of copious amounts of fugitive dust.

Three University of Akron construction projects including: a stadium, a student housing complex, and a parking area have been the location of numerous fugitive dust violations spanning a period from May 2008 through September 2009.

**Violations and/or complaints by site:**

**University of Akron Stadium**

On May 23, 2008, an inspector from the ARAQMD conducted visible emissions readings on S. Union 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 Streets was also producing large quantities of fugitive dust.

On May 28, 2008, Jack (Kenmore Construction foreman) 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.

On June 25, 2008, an inspector from the 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 that was running in the area was totally ineffective. Visible emissions readings were taken and a violation was documented. Complaints were received from local residents at this time.

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On October 23 and 24, 2008, an inspector from ARAQMD observed excessive fugitive dust being generated at the corner of Vine Street and South Union Street, 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 the 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.

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.

Also, on February 25, 2009, the inspector observed fugitive dust being generated by carry out on various streets surrounding the stadium project. The streets involved were Spicer, Vine, E. Exchange, and S. Union. No dust control

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.

Also on March 4, 2009, during a follow up inspection the inspector observed copious amounts of fugitive dust being generated on the same streets involved in the February 25, 2009 complaint. Visible emission readings were taken on Spicer Street and a violation was documented.

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 duct control. The violation occurred on the northeast corner of the stadium jobsite.

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.

Also, on March 5, 2009, an inspector from ARAQMD observed carry out, onto Spicer Street near Nash Street being re-suspended by traffic.

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The March 10, 2009, meeting was attended by Jon Hefner and Dave Kolasinski of Welty Building and Lynn Malcolm and Bonetta Guyette of the Akron Regional Air Quality Management District. The requirements for compliance with the fugitive dust regulations were discussed. The University of Akron was not represented at the meeting.

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. Visible emissions readings were taken and a violation was documented.

On March 19, 2009, ARAQMD e-mailed photos to Mr. Ted Curtis that were 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 East Exchange Street at this time. No dust control method(s) were observed at this time.

On June 5, 2009, a Notice of Violation (NOV) was issued to the University of Akron and Welty Building Company Ltd. Numerous fugitive dust violations were cited, the most recent occurring on June 4, 2009, on East Exchange Street.

On July 28, 2009, an ARAQMD inspector observed a copious amount of fugitive dust along Vine Street from the intersection with S. Union to almost Spicer Street. Visible emissions readings were taken and a violation was documented. No dust control methods were being utilized.

#### **University of Akron Multiplex Housing**

On June 15, 2009, an ARAQMD inspector and intern observed the sawing of block without the use of dust control. The sawing was being performed by employees of Crowe Masonry.

On July 15 & 16, 2009, an ARAQMD inspector observed fugitive dust emissions on both an unpaved haul road onsite and on Vine Street adjacent to the multiplex site. No dust control. Visible emissions readings were taken on July 16, 2009, and a violation was documented.

On July 28, 2009, an ARAQMD inspector again observed excessive fugitive dust emissions on the multiplex jobsite. No dust control. Visible emissions readings were taken and a violation was documented.

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On August 27, 2009, an ARAQMD inspector responding to a complaint observed a large volume of dust on Vine Street next to the multiplex housing project. The dust was being re-suspended by traffic. No dust control. Visible emissions readings were taken and a violation was documented.

On September 3, 2009, during a follow up inspection, the inspector again observed a significant amount of fugitive dust on Vine Street next to the multiplex project and due to traffic. No dust control upon arrival.

**University of Akron Stadium Parking area (@ E. Exchange and Spicer Streets)**

On March 4, 2009, an ARAQMD inspector observed the sawing of brick by employees of Martin Enterprises at the corner of Spicer and E. Exchange Streets.

On July 10, 2009, an ARAQMD inspector observed an unpaved haul road generating significant dust and no dust control methods were being utilized.

On July 15, 2009, an ARAQMD inspector again observed significant dust being generated on the unpaved haul road. Visible emissions readings were taken and a violation was documented.

In light of continued 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 University of Akron jobsites. **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 ext 6055.

Sincerely,



Frank Markunas  
Chief Engineer

BKG:FM  
Certified Mail  
Enclosure