



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

December 11, 2007

Mr. Robert Boxler, Program Manager
Energy, Environmental Health & Safety
Akron Public Schools
70 N. Broadway Street
Akron, OH 44308

Mr. David Krutz, Project Executive
RKPS Construction Managers
400 W. Market Street, Suite 1
Akron, OH 44303

Mr. Lawrence Griebel, President
Duer Construction Inc.
1016 Morse Street
Akron, OH 44320

To Mr. Boxler, Mr. Krutz, and Mr. Griebel:

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 occurred on your job site at Crouse Elementary School (1000 Diagonal Road) in the city of Akron (Summit County).

On December 10, 2007, an inspector from the Akron Regional Air Quality Management District (ARAQMD) observed excessive fugitive dust being generated at Crouse Elementary School in the city of Akron. The excessive dust was the result of saw cutting cement block without water to suppress the dust. No contact was made at this time. Previously on November 13, 2007, the last violation at this site, Ed Braund of RKPS and Mark Kible of Duer Construction were contacted and the fugitive dust regulations were explained to both parties and a written order to "cease and desist" all illegal sawing/cutting activities was given to Mark Kible.

CITICENTER - SUITE 904

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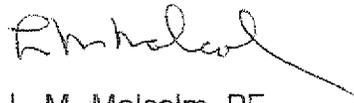
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In light of the continued violations and non-compliance with Ohio Administrative Code section 3745-17-08 (B)(1) and Title 9, Section 97.01 of the Akron Code of Ordinances, you are urged to take appropriate steps to be sure that no further illegal generation of fugitive dust occurs on this job site 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 regarding this matter, please contact me at 330/375-2480 extension 6051.

Yours truly,



L. M. Malcolm, PE
Administrator

BKG:LMM

Certified Mail

cc Ms. Tamara Robitaille, Ohio School Facilities Commission
Mr. Tom Kalman, Ohio EPA/DAPC
Mr. Mike Mereb, Ohio EPA/DAPC