



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

Frank Markunas
E.M. Malone, P.E.
Administrator

January 21, 2010

Mr. Shawn Luli, Operations Manager
Medhurst Mason Contractors, Inc.
17111 Munn Road, Unit C
Chagrin Falls, OH 44023

Dear Mr. Luli:

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 have occurred on your jobsites at various locations within the City of Akron, Ohio (Summit County).

On September 5, 2007, our office received a complaint regarding excessive dust at the Mike Pruitt Honda job site at 43 Pruitt Boulevard in Akron, Ohio. An inspector from the Akron Regional Air Quality Management District (ARAQMD), investigated the complaint and found workers from Medhurst Mason Contractors Inc. (herein after referred to as Medhurst) sawing masonry without utilizing any dust control method. Don, a representative of Medhurst, was contacted onsite and the fugitive dust regulations were explained and a written "order to comply" was issued.

On September 12, 2007, an inspector from our office again observed workers from Medhurst Mason Contractors Inc. sawing masonry without dust control at this site.

On May 28, 2008, an inspector from the ARAQMD observed workers from Medhurst sawing block without dust control. Don, the Medhurst foreman, was contacted and a written "order to comply" was issued. This violation occurred at Ritzman Elementary School.

On June 25, 2008, an inspector from the ARAQMD observed workers from Medhurst sawing masonry without dust control. Don, the Medhurst foreman, was contacted and a written "order to comply" was issued. This violation occurred at Ritzman Elementary School.

On January 19, 2010, an inspector from the ARAQMD observed workers from Medhurst sawing brick without dust control. Don, the Medhurst foreman, was contacted and a written "order to comply" was issued. This violation occurred at Portage Path Elementary School. A copy of OAC 3745-17-08 was provided.

CITICENTER - SUITE 904
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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 97.01 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 most recent 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 regarding this matter, please contact Bonetta Guyette at 330/375-2480 ext 6055.

Sincerely,



Frank Markunas
Administrator

BG:FM
Enclosure
Certified Mail