



REGIONAL AIR POLLUTION CONTROL AGENCY

Serving Clark, Darke, Greene, Miami, Montgomery & Preble Counties
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August 2, 2012

Certified Mail

Mr. Douglas Evans
Evans Landscaping & Supplies
3700 Round Bottom Road
Cincinnati, Ohio 45244

Dear Mr. Evans:

NOTICE OF VIOLATION

On July 31, 2012, while conducting field surveillance at the Patterson/Kennedy Elementary School demolition site on 258 Wyoming Street, in Dayton, Ohio, a representative from the Regional Air Pollution Control Agency (RAPCA) noted excessive visible particulate emissions (fugitive dust) from vehicle traffic on the unpaved roadways. Evans Landscaping & Supplies (Evans) is the contractor responsible for demolition of this site. The property is located in an Appendix A area, as defined by Ohio Administrative Code (OAC) rule 3745-17-08.

Pursuant to OAC rule and Montgomery County Combined General Health District Air Pollution Control Regulations (MCCGHDAPCR) section 3745-17-07(B)(5), there shall be no visible particulate emissions from any unpaved roadway or parking area for a period of time not to exceed 13 minutes during any 60-minute observation period. Pursuant to OAC rule and MCCGHDAPCR section 3745-17-08 (B), no person shall cause or permit any fugitive dust source to be operated or any materials to be handled, transported, or stored without taking or installing reasonably available control measures to prevent fugitive dust from becoming airborne. Such reasonably available control measures shall include, but not be limited to the periodic application of water or other suitable dust suppression chemicals.

U.S. EPA Reference Method 22 (RM 22) - Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares - was performed on the unpaved roadways within the above demolition site by RAPCA's Inspector on July 31, 2012. RAPCA's RM 22 observations documented 16 minutes and 41 seconds of fugitive dust emissions during a 42-minute observation period in violation of OAC rule and MCCGHDAPCR section 3745-17-07(B)(5) and Ohio Revised Code (ORC) 3704.05. Furthermore, RAPCA has determined that reasonably available control measures were not being implemented at the time of the RM 22 observations in violation of OAC rule and MCCGHDAPCR section 3745-17-08 (B) and Ohio Revised Code (ORC) 3704.05.

This letter serves as official notification of the aforementioned violations. RAPCA has received several complaints this summer regarding fugitive dust emissions from the above demolition site and has been in contact with your company regarding the complaints and implementation of adequate dust control. It is imperative that Evans immediately implement the control measures

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necessary to achieve and maintain compliance with the above-referenced regulations. RAPCA requests that Evans respond to this letter with the actions that will be taken to ensure ongoing compliance for all demolition activities (i.e. loading, hauling, material handling) at the above site. Please respond to RAPCA within three days of receipt of this letter.

RAPCA appreciates your prompt attention to this matter. If you have any questions, you may contact me at (937) 496-7541.

Sincerely,



Christine A. Swetz
Air Pollution Control Specialist
Abatement Unit

cc: Kerri Castlen, Southwest Ohio Air Quality Agency
William MacDowell, U.S. EPA
Bruce Weinberg, Ohio EPA