



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Suite 200
Cleveland, Ohio 44114-1839
216/664-2297 • Fax 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1808 9616
RETURN RECEIPT REQUESTED

7/6/09

Gary Bradler, President
Osborne Concrete & Stone Co.
1 Williams St.
Grand River, OH 44045

NON-HPV

FACILITY ID: 13-18-00-7826

NOTICE OF VIOLATION: Expired permit-to-operate (PTO), failure to conduct daily inspections, failure to maintain daily and quarterly inspection records, failure to submit quarterly deviation reports

Dear Mr. Bradler:

On 6/16/09, the Cleveland Division of Air Quality (CDAQ) inspected Osborne Concrete & Stone Co. (OC&S) located at 2100 W. 3rd St. in Cleveland. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations or air permit conditions.

Emissions unit (EU) F001, Paved/Unpaved Roadways and Parking Areas does not have a current PTO. The last renewal application received for this EU was dated 5/8/97, extending the PTO to 5/8/02. This is a violation of Ohio Revised Code (ORC) 3704.03 and Ohio Administrative Code (OAC) Rule 3745-31-02.

Additionally, OC&S has failed to abide by the monitoring, record keeping and reporting requirements specified in Part II(C)(1-7) and (D)(1-2) of the PTO for EU F002, Material Storage-Aggregate Stockpiles. This is a violation of ORC 3704.05(C) and OAC Rule 3745-15-03(A).

The PTO for EU F003, Ship Unloading System was determined to be unnecessary as language contained in the PTO for F002 addresses these emissions. Also, the PTO for F004, Portable Ready Mix Concrete Wet Batching Plant is no longer applicable as this EU has been dismantled and removed from the premises. Both of these EUs have been indicated as "withdrawn" in CDAQ and Ohio Environmental Protection Agency (Ohio EPA) databases.



Unless you undertake some type of corrective action with respect to the above noted violation you will remain in non-compliance. CDAQ requests that OC&S submit a permit-to-install/operate (PTIO) application for EU F001, Paved/Unpaved Roadways and Parking Areas. Also, provide documentation demonstrating established procedures to fulfill the monitoring, record keeping and reporting requirements specified in Part II(C)(1-7) and (D)(1,2) of the PTO for EU F002, Material Storage-Aggregate Stockpiles to the following enforcement representative:

Dave DeChant
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Your written response to this letter must be received by CDAQ within fourteen (14) days of your receipt of this letter. If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

The appropriate permit application(s) and supplemental form(s) can be accessed and submitted electronically through the Ohio EPA's eBusiness Center at <http://www.epa.state.oh.us/dapc/airservices/> .

Please note that if you elect to submit hard copy permit applications to CDAQ they must include original signatures. Photocopied signatures are not valid; the application will not be accepted by CDAQ and will be returned to you if original signatures are not provided. Permit applications may be downloaded from <http://www.epa.state.oh.us/dapc/permits/permits.html#obtain> .

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in ORC 3704.99(A), which allows fines of not more than twenty-five thousand dollars or imprisonment for not more than one year, or both, for each violation.

Free assistance with state and/or federal regulations, rules, laws or permit conditions can be provided at no charge through the Ohio EPA Office of Compliance Assistance and Pollution Prevention (OCAPP). OCAPP can be contacted at <http://www.epa.state.oh.us/ocapp> or (614) 644-3469 or (800) 329-7518.

CDAQ makes no guarantee that the facility will meet the qualifying guidelines established by OCAPP.

OCAPP can also provide assistance to facilities that want to investigate methods of pollution prevention to reduce raw material usage and waste production. Again, there is no charge for their services.



CDAQ issues this letter with Ohio EPA's concurrence. The failure to mention any specific violation does not excuse any violations of local, state and federal laws or regulations regarding air pollution control. Violations of air pollution control laws may be pursued in local court or referred to Ohio EPA or U.S. EPA for further enforcement action. Should you have any questions, please call Dave DeChant at 216-664-3213. All correspondence with CDAQ must include the Ohio EPA facility identification number for OC&S: 13-18-00-7826.

Sincerely,

George Baker
Chief of Enforcement

GB/dd *GB*

cc: Woody Straubhaar, Osborne Concrete & Stone Co.
Richard Nemeth and Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
Facility File and L:\Data\Facilities\1318007826\2009-06-16 NOV.doc

SENDER: COMPLETE THIS SECTION

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Osborne Concrete & Stone Co.
P.O. Box 249, Williams St.
Grand River, OH 44045

ATT: Gary Bradler

2. Article Number

(Transfer from service label)

7002 2030 0001 1808 9616

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

13-18-00-7806

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *[Handwritten Signature]*

Agent

Addressee

B. Received by (Printed Name)

C. Date of Delivery

[Handwritten Name] *[Handwritten Date: 7-9-09]*

D. Is delivery address different from item 1? Yes

If YES, enter delivery address below: No

3. Service Type

Certified Mail Express Mail

Registered Return Receipt for Merchandise

Insured Mail C.O.D.

4. Restricted Delivery? (Extra Fee)

Yes