



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/654-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL 7002 2030 0001 1808 4635
RETURN RECEIPT REQUESTED

November 17, 2008

Gary Bradler
Osborne Concrete and Stone
P.O. Box 249
Grand River, Ohio 44045

NON-HPV

FACILITY ID: 13-18-00-7994

NOTICE OF VIOLATION: Operating Emissions Units without first obtaining City and/or State Permits

Dear Mr. Bradler:

On October 13, 2008, the Cleveland Division of Air Quality (CDAQ) inspected Osborne Concrete and Stone (Osborne) located at 2100 Central Furnace Court 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.

Osborne's operation of emissions unit (EU) F001: Unpaved Roadways and Parking Areas is in violation of the Ohio Administrative Code (OAC) Rule 3745-31-02(A) and the Ohio Revised Code (ORC) Section 3704.05(G). Since December 22, 1998, Osborne has operated F001 on an expired permit without submitting a renewal application for this EU.

Osborne's operation of EU F002: Load-In, Load-Out, and Wind Erosion of Storage Piles is also in violation of OAC Rule 3745-31-02(A), ORC Section 3704.05(G), and City of Cleveland Codified Ordinance Chapter 259.01. Since June 1973, Osborne has operated this EU without applying for and obtaining City and State permits.

On November 14, 2008, CDAQ received a faxed copy of previously requested recordkeeping and Permit to Install/Operate (PTIO) applications. While the recordkeeping was sufficient, the PTIO application requires revisions which CDAQ discussed with Woody Straubhaar (Osborne). All PTIO applications require the original signature of the responsible official. Therefore, Osborne must resubmit PTIO applications with original signatures.



Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requested that Osborne submit new PTIO applications for F001 and F002 to reflect current processes. CDAQ also requests city permit fees for F002 for calendar years 2006, 2007, and 2008 (invoices attached). The requested PTIO application and city permit fees for F002 should be sent to the following compliance representative:

Stephanie Habinak
Cleveland Division of Air Quality
75 Erievue Plaza -- 2nd Floor
Cleveland, Ohio 44114-2080

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.

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.

Violations of Ohio air pollution laws and /or permit terms and conditions are subject to the penalties stipulated in Ohio Revised Code Section 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 Andrew Marantides at (216) 420-8049. All correspondence with CDAQ must include the Ohio EPA facility identification number for Osborne Concrete and Stone: 13-18-00-7994.



Sincerely,

George Baker
Chief of Enforcement, CDAQ

GB/AM

cc: Stephanie Habinak, CDAQ
John Paulian, Ohio EPA Central Office
Lisa Holscher, U.S. EPA Region V
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encl: F002 city permit fee invoices for calendar years 2006, 2007, and 2008