



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 7009 3410 0002 1933 8097  
RETURN RECEIPT REQUESTED**

September 8, 2010

Rodney Brumley  
Ryder Brick, Inc.  
P.O. Box 550  
Bixby, OK 74008

NON-HPV

**FACILITY ID: 13-18-00-8743**

**NOTICE OF VIOLATION: Violation of Air Pollution Open Burning Laws**

Dear Mr. Brumley:

On August 24, 2010, the Cleveland Division of Air Quality (CDAQ) investigated a complaint at Ryder Brick, Inc. located at 4010 E. 116<sup>th</sup> St. in Cleveland, Ohio. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Ryder Brick, Inc. is in violation of City of Cleveland Codified Ordinance (CCO) Title V, "Air Pollution Control" Section 277.09 "Open Burning," and Ohio Administrative Code Rule (OAC) 3745-19-03(A), and Ohio Revised Code Section (ORC) 3704.05(G); in that, on August 24, 2010, CDAQ witnessed open burning by employees of Ryder Brick, Inc. at 4010 E. 116<sup>th</sup> Street, in Cleveland. The fire observed had been present for some time and was being used to dispose of wood and other unwanted material.

CCO Sec. 251.42 defines "Open Burning" as the burning of materials where air contaminants resulting from combustion are emitted directly into the ambient air. Furthermore, "Open Burning" is prohibited by CCO Sec. 277.09 without a permit except under certain limited exceptions. Our investigation revealed that the opening burning at Ryder Brick, Inc. does not meet these exceptions. In addition, under CCO Sec. 277.09 permits may only be issued for limited purposes and first require the payment of a fee.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance with state and local laws. CDAQ requests that Ryder Brick, Inc. immediately stop open burning at its facility located in Cleveland. CDAQ is also requesting that Ryder Brick, Inc. submit a corrective action plan detailing efforts undertaken which prohibit the starting of fires at the property in Cleveland, to the following enforcement representative:



Valerie Shaffer  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> 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.

Please also note that CDAQ issued a Letter of Warning (LOW) to Ryder Brick, Inc. on May 14, 2010, for failure to apply for permit-to-install/operate (PTIO) for roadways and storage piles. In response, Ryder Brick, Inc. submitted a PTIO application, received by CDAQ on June 21, 2010. Upon submittal of the application, CDAQ issued a follow-up letter to the LOW on June 23, 2010. However, CDAQ determined that the submitted PTIO application was incomplete, and CDAQ returned the application along with a letter, dated July 1, 2010, which detailed the application's deficiencies. Consequently, Ryder Brick, Inc. is still operating in violation of ORC Chapter 3704.03 and the OAC Rule 3745-31-02; in that, Ryder Brick, Inc. is operating existing air contaminant sources without obtaining an applicable PTIO.

You will remain in non-compliance until CDAQ receives a complete PTIO application covering all applicable air contaminant sources in operation at your facility. CDAQ requests that Ryder Brick, Inc. submit a complete PTIO application within thirty (30) days, to the following compliance specialist:

John Polak  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, Ohio 44114-1839

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.ohio.gov/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 Valerie Shaffer at (216) 664-6292. All correspondence with CDAQ must include the Ohio EPA facility identification number for Ryder Brick, Inc.: 13-18-00-8743.

Sincerely,

*Linda Kimmony for G.B.*

George Baker  
Chief of Enforcement

GB/vls

cc: Jack Kasmerski, Ryder Brick, Inc. [10412 Glen Daniels Circle, Brooklyn, OH 44144]  
Michael J. Krzywicki, CDAQ  
John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318008743\2010-08-24 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:

Ryder Brick, INC  
 Attn: Rodney Brumley  
 PO Box 550  
 Bixby, OK 74008

2. Article Number  
(Transfer from service label)

7009 3410 0002 1933 8097

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

Monette Brumley

 Agent Addressee

B. Received by (Printed Name)

x Monette Brumley x

C. Date of Delivery

9-13-10

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