



City of Cleveland  
Frank G. Jackson, Mayor

Department of Public Health  
Division of Air Quality  
75 Erieview Plaza, Suite 200  
Cleveland, Ohio 44114-1839  
216/564-2297 • Fax: 216/420-8047  
www.clevelandhealth.org

**SERVING OHIO EPA AS AGENCY 13  
FOR CUYAHOGA COUNTY**

**CERTIFIED MAIL 7002 2030 0001 1807 9617  
RETURN RECEIPT REQUESTED**

November 1, 2010

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

**FACILITY ID: 13-18-00-8743  
RECEIPT OF CORRECTIVE ACTION PLAN: VIOLATION OF AIR POLLUTION  
OPEN BURNING LAWS & OPERATING AIR POLLUTION EMISSIONS UNITS  
WITHOUT FIRST OBTAINING APPLICABLE PERMITS-TO-INSTALL/OPERATE**

Dear Mr. Bixby:

On September 8, 2010, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) requesting Ryder Brick, Inc. to immediately stop open burning at its facility located at 4010 E. 116<sup>th</sup> Street in Cleveland, Ohio. In addition, CDAQ requested a complete permit-to-install/operate (PTIO) application covering all applicable air contaminant sources in operation at your facility within thirty (30) days of your receipt of the NOV.

CDAQ is in receipt of a corrective action plan dated September 20, 2010. You are expected to comply with the corrective action of no open burning by people working at the facility site in Cleveland. Failure to do so may result in referral to Ohio EPA or U.S. EPA for further enforcement action. Fulfillment of your commitments included in the corrective action plan and/or any modifications contained within this letter does not constitute a waiver of CDAQ's ability to refer this matter to Ohio EPA or U.S. EPA for further enforcement action.

Your corrective action plan also indicated that Ryder Brick, Inc. is currently in the process of completing the applicable PTIO applications with the help of the Ohio EPA Office of Compliance and Assistance. To date, however, CDAQ has not received PTIO applications for air emissions units operating at 4010 E. 116<sup>th</sup> Street in Cleveland. As such, Ryder Brick, Inc. is still operating in violation of Ohio Revised Code Chapter 3704.03 and the Ohio Administrative Code rule 3745-31-02.

Accordingly, you will remain in non-compliance until CDAQ receives complete PTIO applications covering all applicable air contaminant sources in operation at the facility site. CDAQ requests that Ryder Brick, Inc. submit complete PTIO applications within fourteen (14) days of your receipt of this letter, to the following compliance specialist:



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

If there is insufficient time to correct the alleged violations within this timeframe, your response must include a timeline for correcting the alleged violations.

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 Kimmey for G.B.*

George Baker  
Chief of Enforcement

GB/vls

cc: Jack Kasmerski, Ryder Brick, Inc.  
John Paulian, Ohio EPA Central Office  
William MacDowell, USEPA, Region V  
Facility File and L:\Data\Facilities\1318008743\2010-08-24 RCAP.doc

# RYDER BRICK, INC.

P.O. BOX 550 ~ BIXBY, OK 74008 ~ 918-366-8200

September 20, 2010

City of Cleveland  
Cleveland Division of Air Quality  
75 Erieview Plaza 2<sup>nd</sup> Floor  
Cleveland, OH 44114-1839

SEP 27 2010

Atten: Valerie Shaffer

RE: Corrective action plan for "Open Burning" letter of warning.  
Facility ID: 13-18-00-8743

This letter is in response to your Letter Of Warning that Ryder Brick was in violation of "Open Burning" at 4010 E. 116<sup>th</sup> Street. We have spoken to all people working at that site and made sure they understand that there is to be no fires started or burning of anything at this site. We have instructed them that any broken pallets will be hauled off and not burned.

If the need arises that we need to burn anything we will check with your office first and apply for a permit beforehand to erase any doubts of what is allowed.

In your last letter you also informed us that the permit-to-install/operate for roadways and storage piles still needs to be corrected and sent back in. I have to apologize about this misunderstanding. After we had sent in our letter of corrective action and our application for permits we received the permit app back for corrections. We had also received a letter from your office stating that we were in compliance and we were not sure if the permit still needed to be sent in. We then called and spoke to Dave DeChant who told us we had done what we needed to and everything was O.K. I

apologize again for the misunderstanding, I thought the permit was not necessary. We have made arrangements with the Office of Compliance and Assistance to help us fill out the permits correctly and determine if we qualify for the de minimis exemption. As soon as this is done we will send in the proper paperwork.

Sincerely,  
*Rodney Brumley*  
Rodney Brumley  
Ryder Brick, Inc.

**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:

Ryden Brink  
 A.H.W. Rodney Brumley  
 PO Box 550  
 Bixby, OK 74008

2. Article Number  
(Transfer from service label)

7002 2030 0001 1807 9617

**COMPLETE THIS SECTION ON DELIVERY**A. Signature  Agent  Addressee  
*[Handwritten Signature]*B. Received by (Printed Name)  Yes  No  
*[Handwritten: L. MYERS]*C. Date of Delivery  
*[Handwritten: 1/18/10]*D. Is delivery address different from item 1?  Yes  No  
 If YES, enter delivery address below:3. Service Type  
 Certified Mail  Express Mail  
 Registered  Return Receipt for Merchandise  
 Insured Mail  C.O.D.4. Restricted Delivery? (Extra Fee)  Yes  No