



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 #70022030000118088206  
RETURN RECEIPT REQUESTED**

October 5, 2009

Brandon Smith  
Kurtz Brothers/RKDF  
6415 Granger Road  
Independence, OH 44131

**FACILITY ID: 13-18-11-8045  
SECOND NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Smith:

On June 8, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Second Notice of Violation requiring Kurtz Brothers/RKDF to submit a copy of the necessary schedule/record keeping that included the following information regarding dust control:

1. The date dust suppressant was applied to the unpaved surfaces;
2. The portion of the unpaved surfaces that were treated with dust suppressant;
3. The application rate of water and chemical additives (gallons of each per square yard); and
4. The name of the equipment operator responsible for the application of the dust suppressants.

CDAQ is in receipt of a corrective action plan dated August 14, 2009, which included a template for required schedule/record keeping.

The corrective action plan was received in a timely manner and appropriate steps were taken to bring the source into compliance. CDAQ has determined that no further enforcement action is warranted at this time, but reserves its right to take such action in the future if necessary.

CDAQ issues this letter with Ohio EPA's concurrence and 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 Kenney at 216-420-7683. All correspondence with



CDAQ must include the Ohio EPA facility identification number for Kurtz Brothers/RKDF: 13-18-11-8045.

Sincerely,

George Baker  
Chief of Enforcement, CDAQ

GB/ak |K

cc: John Paulian, Ohio EPA Central Office  
Lisa Holscher, U.S. EPA Region V  
Facility File and L:\Data\Facilities\1318118045\2009-9-22 NEAR.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:

Brandon Smith  
Kurtz Bros  
6415 Granger Rd  
Independence, OH  
44131

2. Article Number  
(Transfer from serv

7002 2030 0001 1808 8206

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

Agent  
 Addressee  
*X* Laurie Soldat  
B. Received by (Printed Name) C. Date of Delivery  
Laurie Soldat 10/8/09

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

PS Form 3811, August 2001

Domestic Return Receipt

102595-02-M-1540

Kurtz AEAR