



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/664-2297 • Fax: 216/420-8047
www.clevelandhealth.org

SERVING OHIO EPA AS AGENCY 13
FOR CUYAHOGA COUNTY

CERTIFIED MAIL #70022030000118088145
RETURN RECEIPT REQUESTED

September 24, 2009

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

NON-HPV

FACILITY ID: 13-18-11-8045

SECOND NOTICE OF VIOLATION: Failing to comply with Permit-to-Install #13-3167 Terms and Conditions

Dear Mr. Smith:

On June 8, 2009, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation (NOV) to Kurtz Brothers/RKDF located at 950 Valley Belt Road in Brooklyn Heights for failing to comply with permit terms and conditions and improper record keeping. In The NOV dated June 8, 2009, CDAQ requested Kurtz Brother/RKDF apply dust suppressant to roadways to minimize or eliminate visible emissions, submit a corrective action plan containing a template for all required record keeping, submit a statement describing methods to remove material from public roadways and a plan to reduce the speed of vehicles traveling on Emission Unit F001: Unpaved Roadway (F001).

CDAQ received a letter of corrective action from Kurtz Brothers/RKDF on July 1, 2009, stating Kurtz Brothers/RKDF has posted additional 10 mile per hour speed limit signs as well as a "Yield" sign. Also, the letter stated that facility personnel will have a quicker response time for street sweeping as well as maintaining the frequency of visits of the Kurtz water truck and water wagon. The letter also included a water truck schedule which stated the time and type of vehicle used to water F001.

On July 13, 2009, CDAQ issued a Receipt of Corrective Action Plan requesting Kurtz Brothers/RKDF submit a copy the necessary schedule/record keeping that included the following information regarding dust control within 7 days of the receipt of the letter:

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.

The aforementioned records have not been received by CDAQ as of September 24, 2009. Unless you submit the schedule/record keeping, as required by PTI #13-3167 terms and conditions, within 7 days of the receipt of this letter, you will remain in non-compliance. CDAQ requests that Kurtz Brothers/RKDF submit the required schedule/record keeping to the following enforcement representative:

Andrew Kenney
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 seven (7) 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.

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 Andrew Kenney at 216-420-7683. All correspondence with CDAQ must include the Ohio EPA facility identification number for Kurtz Brother/RKDF: 13-18-11-8045.

Sincerely,

George Baker
Chief of Enforcement

GB/ak

cc: 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\1318118045\2009-9-22 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:

Brandon Smith
Kurtz/RKDF
6415 Granger Rd
Independence OH
44131

2. Article Number

(Transfer from sender)

7002 2030 0001 1808 8145

PS F

3811, August 2001

Domestic Return Receipt

2nd NOV

102595-02-M-1540

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X *Deborah L. Hartman* Agent
 Addressee

B. Received by (Printed Name)

Deborah L. Hartman

C. Date of Delivery

9/09/09

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