



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, Ohio 44114-2080
216/661-2297 • Fax: 216/420-8047
www.clevelandhealth.org

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

**CERTIFIED MAIL 7002 2030 0001 1808 0064
RETURN RECEIPT REQUESTED**

June 12, 2007

Mr. Brandon Smith
Kurtz Brothers, Inc.
6415 Granger Road Environmental
Independence, Ohio 44131

NOTICE OF VIOLATION: FAILURE TO SUBMIT QUARTERLY DEVIATION REPORTS PER TERMS AND CONDITIONS OF PERMIT-TO-INSTALL (PTI) # 13-04370 AND # 13-04371

**FACILITY ID: 13-18-94-8380
13-18-94-8409**

Dear Mr. Smith:

On March 17, 2005, the Cleveland Division of Air Quality (CDAQ) issued PTI(s), as noted above to Kurtz Brothers, Inc. This letter serves as notification that you are operating sources in violation of the following applicable air statutes, air regulations, or air permit conditions.

Kurtz Brothers, Inc. has failed to submit quarterly deviation reports per terms and conditions of PTI(s) # 13-04370 & # 13-04371 since July 31, 2006.

Unless you undertake some type of corrective action with respect to the above noted violations, you will remain in non-compliance. CDAQ requests that Kurtz Brothers, Inc. begin submitting quarterly deviation reports to:

Cleveland Division of Air Quality
1925 St. Clair Avenue NE
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.

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.



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 Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Kurtz Brothers, Inc.: 1318948481.

Sincerely,

George Baker
Chief of Enforcement, CDAQ

GB/LK

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\1318948380\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:

MR. BRANDON SMITH
KURTZ BROS, INC.
6415 GRANGER ROAD ENV
INDEPENDENCE, OH 44131

2. Article Number

(Transfer from service label)

7002 2030 0001 1808 0064

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Cindy Sapp

Agent

Addressee

B. Received by (Printed Name)

Cindy Sapp

C. Date of Delivery

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

FOR 8409 and 8380