



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 7002 2030 0001 1808 0095
RETURN RECEIPT REQUESTED**

June 27, 2007

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

**FACILITY ID: 13-18-94-8481, 13-18-94-8380, and 13-18-94-8409
NOTICE OF VIOLATION FOLLOW-UP LETTER**

Dear Mr. Smith:

On June 12, 2007, the Cleveland Division of Air Quality (CDAQ) issued a Notice of Violation requiring Kurtz Brothers, Inc. to submit deviation reports. CDAQ is in receipt of a corrective action plan dated June 25, 2007 stating deviation reports would be submitted as required.

The corrective action plan was received 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 Linda Kimmy at 216-664-2985. All correspondence with CDAQ must include the Ohio EPA facility identification number for Kurtz Brothers, Inc.: **13-18-94-8481, 13-18-94-8380, and 13-18-94-8409.**

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\1318948481\NEAR.doc

UNITED STATES POSTAL SERVICE

CLEVELAND OH 44114

U.S. POSTAGE PERMIT NO. 73



First Class Mail
Postage & Fees Paid
GPS
Permit No. G-10

• Sender: Please print your name, address, and ZIP+4 in this box •

LINDA KIMMY
CLEVELAND DIVISION OF AIR
QUALITY
1925 ST. CLAIR AVENUE NE
CLEVELAND, OHIO 44114-2080

JUL 5 2007
DIVISION OF AIR QUALITY

U.S. POSTAGE PERMIT NO. 73

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, ENV AFFAIRS
 KURTZ BROS., INC.
 6415 GRANGER ROAD
 INDEPENDENCE, OH 44131

2. Article Number

(Transfer from service label)

COMPLETE THIS SECTION ON DELIVERY

A. Signature

X Cynthia Sapp

 Agent Addressee

B. Received by (Printed Name)

Cynthia Sapp

C. Date of Delivery

7/3/07

D. Is delivery address different from item 1? YesIf 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

7002 2030 0001 1808 0095



Kurtz Bros., Inc.

We make the good earth better![™]

KURTZ BROS., INC. Corporate Office, Cleveland
PO Box 31179 · Independence, OH 44131 · (216) 986-7000

June 25, 2007

Mr. George Baker
Chief of Enforcement
City of Cleveland
Department of Health
Division of Air Quality
1925 St. Clair Avenue
Cleveland, OH 44114-2080

RE: Kurtz Bros., Inc -- Deviation Reports
Facility ID #1318948481

Dear Mr. Baker:

Kurtz Bros. Inc. received your June 12, 2007 letters regarding the Failure to Submit Deviation Reports for Permit-to-Install (PTI) #'s 13-04370, 13-04371 and 13-04623. Your letters were received by Kurtz Bros., Inc. on June 14, 2007.

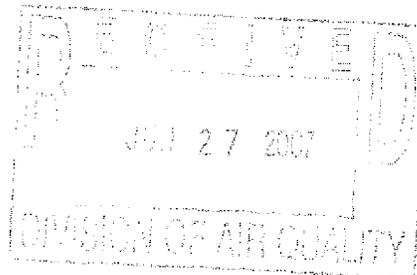
As required, KBI is to submit a written response in regard to the reasons for non-compliance within fourteen days. On behalf of Kurtz Bros., Inc., a clerical oversight on behalf of Environmental Affairs personnel was the reason that the deviation reports were not completed. Such an oversight will not happen again. Each deviation report will be completed and submitted when required.

Kurtz Bros., Inc. strives to maintain environmental compliance with many different regulatory programs. It is clearly understood, however, that "oversights" are not acceptable. I appreciate the assistance by your office by bringing this issue to my attention.

Should you have any immediate questions please contact me directly at 440-742-8309.

Sincerely,

Brandon Smith
Environmental Affairs
Kurtz Bros., Inc.



cc: Mr. John Kurtz, Kurtz Bros., Inc.

Columbus · (614) 491-0868 Toledo · (419) 727-7856

mulches soils waste-to-resource specialists industrial services
composts drop off containers salt tools construction support
Landscape Supply Centers pavers/natural stone/wallstone fertilizers & more