



City of Cleveland
Frank G. Jackson, Mayor

Department of Public Health
Division of Air Quality
75 Erieview Plaza, Second Floor
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 7011 3500 0000 1759 9307
RETURN RECEIPT REQUESTED

September 13, 2012

Brandon Smith
R.K.D.F. Inc. A Division of Kurtz Bros.
6415 Granger Road
Independence, Ohio 44131

NON-HPV
EMISSIONS VIOLATION

FACILITY ID: 1318118045
NOTICE OF VIOLATION: RECORDKEEPING AND FUGITIVE DUST VIOLATIONS

Dear Mr. Smith:

On July 30 and August 3, 2012, the Cleveland Division of Air Quality (CDAQ) inspected R.K.D.F. Inc. A Division of Kurtz Bros. (Kurtz Bros.) located at 950 Valley Belt Road in Brooklyn Heights. 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 Bros. is in violation of Permit To Install Operate (PTIO) # P0105335 terms and condition for failing to submit the 2010 Annual Permit Evaluation Report which was due on November 15, 2010, and was received by CDAQ on April 28, 2011.

Kurtz Bros. is in violation of Ohio Administrative Code (OAC) Rule 3745-31-05(A)(3), OAC Rule 3745-17-07(B)(6), and PTIO # P0105336 terms and conditions for failing to use Best Available Technology (BAT) to suppress fugitive emissions emitting from the storage piles, Emission Unit (EU) F004. CDAQ observed Kurtz Bros. operating storage piles, with excess fugitive emissions.

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 Bros. submit a corrective action plan indicating what methods will be taken to submit all future reports on time and what steps will be taken to suppress the fugitive emissions emitting from the EU F004. Your corrective action plan must be submitted to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839



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 Bros. submit a corrective action plan indicating what methods will be taken to submit all future reports on time and what steps will be taken to suppress the fugitive emissions emitting from the EU F004. Your corrective action plan must be submitted to the following enforcement representative:

Mike Samec
Cleveland Division of Air Quality
75 Erieview Plaza 2nd Floor
Cleveland, Ohio 44114-1839

Kurtz Bros. is in violation of operating Emission Unit (EU) F001: Bandit-Beast 3680 Grinder 20 tph without submitting a relocation notice to CDAQ prior to operating at the 950 Valley Belt Road, Brooklyn Heights site. EU F001 was relocated to the 950 Valley Belt Road site on June 28, 2012.

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 Bros. submit a relocation notice to the following compliance representative:

John Polak
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 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 (\$25,000) 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 Mike Samec at 216-420-7682. All correspondence with CDAQ must include the Ohio EPA facility identification number for R.K.D.F. Inc. (Kurtz Bros.): 1318118045.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ms JK



cc:

George P. Baker, CDAQ

Michael J. Krzywicki, CDAQ

John Paulian, Ohio EPA Central Office

William MacDowell, U.S. EPA Region V

Tim Lee, Kurtz Bros.

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