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 #70122210000052090250
RETURN RECEIPT REQUESTED**

January 15, 2013

John Kurtz
Kurtz Brothers
6415 Granger Road
Independence, OH 44131

NON-HPV

FACILITY ID: 13-18-27-8708
NOTICE OF VIOLATION: Failure to submit a Permit Evaluation Report for the period of July 1, 2011, to June 30, 2012

Dear Mr. Kurtz:

The Cleveland Division of Air Quality (CDAQ) is issuing this letter in regards to the Kurtz Brothers facility located at East off Old Brecksville Road. 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 has failed to submit a Permit Evaluation Report (PER) for the period of July 1, 2011, to June 30, 2012, for emission units F001: Unpaved Roadways and Parking Areas, and F002: Storage Piles. The PER was due August 15, 2012. This is a violation of Ohio Revised Code (ORC) Section 3704.05(C) and Permit-To-Install and Operate (PTIO) # P0108004, C.1.e.1. and C.2.e.1.

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 submit a completed PER for the period of July 1, 2011, to June 30, 2012, to the following address:

Permit Section
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.

PER forms can also be found online at the following website: http://epa.ohio.gov/portals/27/permits/PER.pdf.

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.

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.

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 Brothers: 13-18-27-8708.

Sincerely,

Valencia White
Chief of Enforcement, CDAQ

VW/ak

cc: George P. Baker, CDAQ
Michael J. Krzywicki, CDAQ
John Paulian, Ohio EPA Central Office
Brian Dickens, U.S. EPA Region V
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encl: PER form and instructions

Ohio | Environmental Protection Agency
Division of Air Pollution Control

SEND TO: Cleveland Division of Air Quality
2nd Floor
75 Erieview Plaza
Cleveland, OH 44114

Annual Permit Evaluation Report (PER)

Due Date: Aug 15, 2012
Reporting Period: 07/01/2011 - 06/30/2012

Facility Name: *Kurtz Bros., Inc.*
Facility ID: *1318278708*
Facility Address: *East off Old Brecksville Road*
Corner of Fuhrmeyer Rd.
Independence, OH 44131

Primary Contact: *Mr. Robert Lee*
Mailing Address: *6415 Granger Rd.*
Independence, OH 44131
Phone: *(216)986-7000*
E-mail Address: *robertl@kurtz-bros.com*

The facility address information given above was populated by Ohio EPA's most current database of information. If the above information has changed or is incorrect, please indicate the correct information below. You may also complete this PER electronically using the eBusiness Center - Air Services at *ebiz.epa.ohio.gov* on the Internet.

Indicate changes below.

Facility Name:	
Facility Address:	
Reason for Facility Address Change:	
Primary Contact:	
Mailing Address:	
Phone Number:	
E-mail Address:	

Table I: Emissions Units with Issued PTIOs

*EU ID**	*EU Description*	*Company Equipment ID*	*Permit Number*	*PTIO Effective Date*
F001	Unpaved roadways and parking areas, single axel, quad, semi, and passenger vehicles.	Unpaved roadways and parking areas	P0108004	4/26/2011
F002	Storage piles, excavator, loader, dozer.	Storage Piles	P0108004	4/26/2011

* List any additional emissions units (EUs) that have been issued a PTIO that are not included in the list above.

A "Detailed Emissions Unit (EU) Form" (attached) must be submitted for each EU listed in Table I to satisfy PER reporting obligations. In addition to the PER, please remember that your PTIOs may specify other state or federal reporting requirements.

Additional Information and Corrections:
Please list below any additional information you need to communicate with Ohio EPA. At a minimum, identify if you have any EU(s) that were permanently shutdown, EU(s) that will not be installed or modified, or EU(s) not in operation during the reporting period. See the "Annual Permit Evaluation (PER) Form FAQs" document for an explanation and additional examples or relevant information.

Report Responsibility:
This PER, including any accompanying information, is required under the authority of the director of the Ohio Environmental Protection Agency. [Ohio Revised Code 3704.03(I)] Failure to submit this PER, including any accompanying information, or falsifying this PER, including any accompanying information, may result in civil or criminal penalties in accordance with applicable state law.

Assistance With This Form:
If you have any questions please see the attached "Annual PER Form FAQs" document or contact the **Office of Compliance Assistance and Pollution Prevention at (800) 329-7518** or **Cleveland Division of Air Quality at (216)664-2297**.

Detailed Emissions Unit Form(s)

PER Reporting Period: ***07/01/2011 - 06/30/2012***

Detailed Emissions Unit Form Instructions*:

1. Please complete questions A and B for each emissions unit (EU) that has been issued a PTIO. In addition, either confirm the accuracy of the information provided or change the information accordingly.

2. If you indicated "yes" for question A or B, for each deviation or exceedance that occurred during the reporting period, please provide an attachment with the following information:
   a. EU ID;
   b. dates and/or duration;
   c. description of deviation or exceedance including probable cause;
   d. description of corrective action(s) if taken; and
   e. if no corrective action(s) were taken, then why not?

3. If applicable, for each visible emission (VE) incident that occurred during the reporting period, please provide an attachment with the following information:
   a. EU ID;
   b. dates and/or duration; and
   c. additional information as required per the applicable PTIO.

* For further explanation, or if you have any questions, please see the attached "Annual PER Form FAQs" document or contact the **Office of Compliance Assistance and Pollution Prevention at (800) 329-7518** or **Cleveland Division of Air Quality at (216)664-2297**.

PER Detailed EU Form

EU ID: F001 Facility ID: 1318278708

EU Description: Unpaved roadways and parking areas, single axel, quad, semi, and passenger vehicles.

	Please provide date below if not present.
Completion of initial installation date:	04/26/2011
Begin installation/modification date:	04/26/2011
Commence operation after installation or latest modification date:	04/26/2011

Were there any deviations or exceedances from the following PTIO requirements?

A. Operational restrictions or emission limitations? Yes___ No___

B. Monitoring, record keeping, or reporting requirements? Yes___ No___

C. If Yes for A or B above, then submit the appropriate information as specified in the Detailed Emissions Unit Form Instructions #1 and #2 above. If any visible emission incident occurred during the reporting period, then submit the appropriate information as specified in #3.

PER Detailed EU Form

EU ID: F002 Facility ID: 1318278708

EU Description: Storage piles, excavator, loader, dozer.

Please provide date below if not present.

Completion of initial installation date:	04/26/2011
Begin installation/modification date:	04/26/2011
Commence operation after installation or latest modification date:	04/26/2011

Were there any deviations or exceedances from the following PTIO requirements?

A. Operational restrictions or emission limitations? Yes___ No___

B. Monitoring, record keeping, or reporting requirements? Yes___ No___

C. If Yes for A or B above, then submit the appropriate information as specified in the Detailed Emissions Unit Form Instructions #1 and #2 above. If any visible emission incident occurred during the reporting period, then submit the appropriate information as specified in #3.