



State of Ohio Environmental Protection Agency

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Central District Office

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October 17, 2008

Fire Chief Ned Pettus, Jr.
City of Columbus, Department of Public Safety
Columbus Division of Fire
3675 Parson Avenue
Columbus, Ohio 43207

**Re: Ohio EPA spill # 2008-09-25-3862
Notice of Violation (NOV)**

Dear Chief Pettus:

On Friday, September 19, Ohio EPA Central District Office, Division of Emergency and Remedial Response received a citizen complaint regarding an oily sheen discharging into a pond from a training fire held at 1880 Snouffer Rd.

I responded to the complaint and found a oily brownish material discharging from the floor drain tile into the pond. I also found a storm water inlet and outlet that eventually would discharge into the Olentangy River, thus making the pond "Waters of the State." The discharge of the sheen, therefore, was a violation of Ohio Revised Code 6111.04, which states that "No person...shall place or discharge, or cause to be placed or discharged, in any waters of the state, any sewage, industrial wastes, or other waste...without first receiving a permit from the director (of environmental protection) to do so." Violations of ORC 6111 may result in civil penalties of up to \$10,000 a day or criminal penalties up to \$25,000.

In addition, such releases of a petroleum sheen to a navigable waterway and to waters of the state must be reported under both federal regulation, 40 CFR Part 110, and the state regulation, ORC 3750.06, as soon as possible. Failure to do so carries additional penalties.

Upon further investigation, it was determined that the Permission to Open Burn in Restricted Areas permit obtained to conduct the training fire had expired. The training fire which occurred on September 19, after the July 31 permit expiration date is, therefore, a violation of Ohio Administrative Code 3745-19-05 (A).

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Fire Chief Ned Pettus, Jr.
City of Columbus, Department of Public Safety
Columbus Division of Fire
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The oily substances that had discharged from the basement floor drain into waters of the state were likely to have been released from the melted asphalt shingles during the fire. Also, in the Permission to Open Burn in Restricted Areas permit, OAC 3745-19-03 (D)(2), the Ohio EPA requested that any asphalt shingles were to be removed from the structure prior to the training fire.

The Ohio EPA would appreciate any follow up that you may initiate to ensure that violations outlined in this letter do not reoccur.

Ohio EPA reserves its, rights pursuant to ORC Chapters 3704, 3714, 3745, 3750, 6109 and 6111 and any other applicable state or federal laws or regulation to require further site investigation and abatement to address releases or discharges into the environment at the above designated site, and to seek civil penalties, reimbursement of oversite costs and any other appropriate legal or equitable relief for any violation of law.

This is not the final action of the Director of the Ohio EPA and is intended only as a notification of a violation of Ohio environmental laws and regulations. If you should have any further question or concerns, please do not hesitate to contact me at (614) 728-3829.

Sincerely,



Christopher D. Bonner
Emergency Response Coordinator
Central District Office

Attachments

- c: Isaac Robinson, Chief, CDO
- Debbie Strayton, Environmental Manager, DERR, CDO
- Kenneth Schultz, Asst. Environmental Manager, DERR, CDO
- Kevin Clouse, Environmental Manager, OSI, CO
- Adam Ward, Environmental Manager, DAPC, CDO
- Jeff Beattie, Supervisor, RTK, DAPC, CO
- Mitchell J. Brown, Director, City of Columbus, Public Safety Department