

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

October 19, 2011

CERTIFIED MAIL

Fredrick Wilson
1944 N. Michigan
Toledo, Ohio 43611

RE: Notice of Violation

Dear Mr. Wilson:

Enclosed, please find a "Notice of Violation" for non-compliance with the Ohio Administrative Code 3745-19-03B regarding Open Burning at 9817 Frankfort Road Holland, Ohio 43528. Please review this document carefully, as some action is required on your part.

Also included is a brochure outlining guidelines for Open Burning in Ohio. As shown in the regulations, residential wastes are not permitted to be burned in the restricted area in which the incidents occurred and permissible fires must not exceed specified size restrictions.

If you have any questions, please contact me at 419-936-3943 or marisa.delancey@toledo.oh.gov.

Sincerely,

Marisa DeLancey
Environmental Specialist

MCD/lp

Enclosures

cc: Lisa Holscher, U.S. EPA, Region V
John Paulian, Ohio EPA
Timothy D. Murphy, Commissioner, Toledo Division of Environmental Services
Karen Granata, Chief, Air Resources, Toledo Division of Environmental Services

Timothy D. Murphy, Commissioner
DIVISION OF ENVIRONMENTAL SERVICES
Quilter Environmental Center
348 South Erie Street, Toledo, Ohio 43604-8633 USA
Telephone: 419-936-3015 Fax: 419-936-3959 E-mail: tim.murphy@toledo.oh.gov

Notice of Violation

The City of Toledo, Division of Environmental Services hereby serves notice that:

Fredrick Wilson
1944 N. Michigan
Toledo, Ohio 43611

Has violated the following environmental laws, orders, rules, or regulations on the indicated dates at **9817 Frankfort Road Holland, Ohio 43528**.

Date of violations:

October 11, 2011
and October 12, 2011

Description of violations:

Spencer Township Fire Department was dispatched to 9817 Frankfort Road due to inappropriate Open Burning situations. The Fire Department extinguished a fire about five foot by five foot in size including materials such as mattresses and box springs on October 11th and again extinguished a fire including mattresses and brush on October 12th.

Regulation(s) violated:

OAC 3745-19-03B(2)a

Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA: Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met: *They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood.*

OAC 3745-19-03B(2)b

Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA: Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met: *They are not used for waste disposal purposes.*

OAC 3745-19-03B(2)c

Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA: Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met: *They shall have a total fuel area of three feet or less in diameter and two feet or less in height.*

Required Actions

Upon receipt of this notice, you are required to:

1. Abate the violations by:
 - a. Review the included Ohio EPA Open Burning pamphlet and adhere to the regulations.
2. Reply in writing to this Notice of Violation within fourteen (14) calendar days. The reply shall include:
 - a. Description and date of action(s) taken to abate the violation.
 - b. Description of action(s) to be taken to prevent recurrence of the violation.

Your written response and any questions regarding this Notice of Violation should be directed to **Marisa DeLancey, Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604, phone: 419-936-3943.**

This Notice of Violation is not a final action of the Director of Public Utilities. The City of Toledo reserves the right, pursuant to the Ohio Administrative Code (OAC) and any other applicable local, state, and federal laws or regulations to require further site investigation and abatement to address releases of hazardous wastes, hazardous substances, industrial wastes, or other wastes, pollutants, or contaminants into the environment at the above designated site and to seek civil penalties, reimbursement of oversight costs, response costs, and any other appropriate legal or equitable relief for any violation of law.

Pursuant to Ohio Administrative Code 3745-19-06(A), the director may assess and collect administrative penalties from any person who violates any of the rules in this chapter. Through unilateral orders, the director may assess a violator not more than **two hundred-fifty dollars per day for each separate violation** of the rules in this chapter for open burning on residential property and not more than one thousand dollars per day for each separate violation of the rules in this chapter for open burning on industrial, commercial, institutional, or municipal property. Commercial property includes construction sites, including, but not limited to, the construction of residential homes, if the sites are not properly permitted under section 3704.11(C) of the Revised Code. A separate violation is assessed for each day (24-hour period) the violation occurs.

Pursuant to Ohio Administrative Code 3745-19-06(B), the director's authority under paragraph (A) of this rule is in addition to, and not in limitation of, the director's authority under section 3704.06 of the Revised Code to request the attorney general to initiate legal action to seek penalties of not more than **twenty-five thousand dollars for each day of each violation** for the violation of rules in this chapter.