

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

May 22, 2007

### CERTIFIED MAIL

Mr. Charles Hunt  
10005 Monclova Road  
Monclova, OH 43542

### **RE: Warning Letter – Open Burning**

Dear Mr. Hunt:

On May 14, 2007, the Toledo Division of Environmental Services received a complaint regarding open burning of residential waste at your residence at 10005 Monclova Road. During our investigation, you indicated that, on May 13<sup>th</sup>, you had burned a dog kennel and some grass clippings at the back of your property and that you have also burned to dispose of trees and brush cleared from along Jankowski Ditch. Open burning of residential waste, including landscape waste, generated on the premises is permitted in an unrestricted area without prior notification of the Ohio EPA, but Ohio Administrative Code (OAC) 3745-19 requires that the fire be located at a point on the premises no less than one thousand feet from any inhabited building not located on the premises. Our field observations and research on AREIS indicate that your fire was located within 700 feet of the homes of your neighbors.

The Toledo Division of Environmental Services, as the contractual agent of the Director of the Ohio Environmental Protection Agency for Lucas County and the City of Rossford in Wood County, will not issue the permit that you requested because the burn site does not meet the one thousand feet requirement. You are hereby notified that this action of the Director is final and may be appealed to the Environmental Review Appeals Commission pursuant to Section 3745.04 of the Ohio Revised Code. The appeal must be in writing and set forth the action complained of and the grounds upon which the appeal is based. The appeal must be filed with the Commission within thirty (30) days after notice of the Director's action. The appeal must be accompanied by a filing fee of \$70.00 which the Commission, in its discretion, may reduce if by affidavit you demonstrate that payment of the full amount of the fee would cause extreme hardship. Notice of the filing of the appeal shall be filed with the Director within three (3) days of filing with the Commission. Ohio EPA requests that a copy of the appeal be served upon the Ohio Attorney General's Office, Environmental Enforcement Section. An appeal may be filed with the Environmental Review Appeals Commission at the following address:

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T. Casey Stephens, 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: casey.stephens@toledo.oh.gov

Environmental Review Appeals Commission  
309 South Fourth Street, Room 222  
Columbus, OH 43215

If open burning which fails to comply with the law takes place on your property in the future and is witnessed by officials from the Toledo Division of Environmental Services, enforcement actions, which could include a civil penalty, will be taken. A summary of the law and a flyer describing options for yard waste disposal in Lucas County are enclosed.

If you have any questions, please feel free to contact me at (419) 936-3751.

Yours from Toledo – a City of the Future!\*



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Marilyn DuFour  
Environmental Specialist

\* **fDi Magazine-April 2007**  
MBD/mbd

Enclosures

cc: Lisa Holscher, U.S. EPA, Region V  
John Paulian, Ohio EPA  
T. Casey Stephens, Commissioner, Environmental Services  
Karen P. Granata, Chief, Air Resources