

June 6, 2007

CERTIFIED MAIL

Mr. Tim Weiland  
2858 Pickle Road, Apt. 238  
Oregon, OH 43616

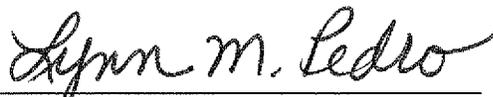
**Re: Notice of Violation – Open Burning**

Dear Mr. Weiland:

Enclosed is a **Notice of Violation** for non-compliance with the Ohio Administrative Code 3745-19 regarding open burning at 965 S. North Curtice Rd, Oregon, OH. Please review this document carefully as some action, including a written response, is required on your part.

If you have any questions regarding this matter, feel free to contact me at (419) 936-3767.

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



Lynn M. Pedro  
Sr. Environmental Air Specialist

\* fDi Magazine-April 2007  
LMP/lmp

Enclosures

cc: Lisa Holscher, U.S. EPA, Region V  
John Paulian, Ohio EPA  
T. Casey Stephens, Commissioner, Toledo Division of Environmental Services  
✓ Karen Granata, Chief, Air Resources  
Kevin Chapman, Chief, Jerusalem Twp. Fire Dept.

**NOTICE OF VIOLATION**

June 6, 2007

As a contractual Agent of the Ohio Environmental Protection Agency, the City of Toledo Division of Environmental Services hereby serves notice that:

Mr. Tim Weiland, Owner  
965 S North Curtice Rd.  
Oregon, OH 43616

has violated the following environmental laws, orders, rules, or regulations on the indicated dates at the above address.

<u>Regulations Violated</u>	<u>Description and Dates of Violations</u>
<p><b>OAC Rule 3745-19-04 (A), (B) (2) (a), (b), (c)</b></p> <p>3745-19-04 Open burning in unrestricted areas. (A) No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (C) of this rule or in section <u>3704.11</u> of the Revised Code. (B) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA: (2) 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: (a) 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; (b) They are not used for waste disposal purposes and (c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.</p>	<p>On May 20, 2007, Toledo Division of Environmental Services (TES) personnel were notified by Jerusalem Twp. Fire Dept Chief Kevin Chapman of an open burn at 965 S. North Curtice Rd at approximately 12:52AM. Upon arrival at the address, TES witnessed the burning of various unacceptable items, including, but not limited to: shingles, roofing material, rigid foam insulation, drywall, possible asbestos containing materials, and scrap lumber with nails. The area of the open burn consisted of approximately 60 ft by 60 ft and flames were reported the by Fire Chief to be 20 ft high.</p> <p>Chief Kevin Chapman informed TES that he talked to Mr. Tim Weiland about 1 week before, and specifically instructed him that this type of burn is against Ohio EPA regulations.</p>

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. It is possible that a penalty will be assessed in this case. If a penalty is to be assessed, the amount will be determined after your response is reviewed.

## Required Actions

Within **14 days of receipt of this Notice of Violation**, you shall:

1. Abate the violations or provide for an acceptable remedy.
2. Reply in writing to this Notice of Violation. The reply shall include:
  - a. Description(s) and date(s) of action(s) taken thus far to abate the violation(s).
  - b. Description(s) and expeditious time schedule of action(s) yet to be taken to remedy the violation(s).
  - c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s).

Your written response, and any questions regarding this Notice of Violation, should be directed to Lynn M. Pedro, City of Toledo Division of Environmental Services, 348 S. Erie Street, Toledo, Ohio 43604.

The submission of the above requested information does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code § 3704.06. This violation may be subject to OAC 3745-19-06(A) stating that 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 violation of the rules for open burning on residential property.* Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.