

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

August 12, 2008

CERTIFIED MAIL

R & M Recycling
Attn: Micheal Rogers, Owner
4103 Lagrange
Toledo, Ohio 43612

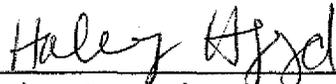
Re: Notice of Violation – Open Burning

Dear Mr. Rogers:

Enclosed is a **Notice of Violation** for non-compliance with the Ohio Administrative Code 3745-19, as well as Toledo Municipal Code 1777.02 regarding open burning at 4103 Lagrange St., Toledo Ohio. On August 11, 2008 a City of Toledo Division of Environmental Services representative, working as a contractual agent for the Ohio EPA, witnessed the burning of rubber in two different locations within the R & M Recycling facility. 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) 936-3777.

From Toledo – an International Award Winning City!



Haley Haggard
Senior Environmental Specialist

HH

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
Lynn Pedro, Senior Environmental Specialist

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

August 11, 2008

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

R & M Recycling
Micheal Rogers, Owner
4103 Lagrange
Toledo, Ohio 43612

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>
OAC Rule 3745-19-03 (A) "No person or property owner shall cause or allow open burning in a restricted area" TMC 1777.02	On August 11, 2008 a City of Toledo Division of Environmental Services representative, working as a contractual agent for the Ohio EPA, witnessed the burning of rubber in two different locations within the R & M Recycling facility. The violation was pointed out to the self-identified onsite supervisor (Bob), and the flames were extinguished. Additional indications of the flame cutting of rubber hoses were noted. Open burning prohibited

The above violation(s) may subject the violator to **penalties** of up to \$25,000 per violation. 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. Your written response 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 Haley Haggard, 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/business who violates any of the rules in this chapter. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

