

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

November 5, 2009

CERTIFIED MAIL

David Haupricht
13330 Sylvania Metamora Rd
Berkey, OH 43504

Re: Notice of Violation – Open Burning

Dear Mr. Haupricht:

Enclosed is a ***Notice of Violation*** for non-compliance with the Ohio Administrative Code 3745-19 regarding open burning at 13330 Sylvania-Metamora Rd, Berkey, 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.

From Toledo – an International Award Winning City!

A handwritten signature in cursive script that reads "Lynn M. Pedro".

Lynn M. Pedro
Sr. Environmental Air Specialist

LMP/lmp

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

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

November 5, 2009

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

Mr. David Haupricht

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>OAC Rule 3745-19-04 (A), (B) (2) (a), (b), (c)(3)(a)</p> <p>3745-19-04 Open burning in unrestricted areas. (A) No person or property owner shall cause or allow open burning in a unrestricted area. (B) Open burning shall be allowed for the following purposes without notification to or permission from the Ohio EPA: (2) Bonfires, campfires for cooking food, pleasure, ceremonial, recreational if the following conditions are met (a) They are fueled with clean seasoned firewood (b) They are not used for waste disposal purposes (c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height.</p> <p>(3) (a) The fire is set only when atmospheric conditions will readily dissipate contaminants. Fires allowed by paragraphs (B)(3) shall be of the minimum size sufficient for their intended purpose.</p>	<p>On October 21, 2009 @ 10:00 PM, Toledo Division of Environmental Services (TDES), a contractual agent for the Ohio EPA, was notified of an <i>intentional</i> illegal burn at 13330 Sylvania Metamora Rd in Berkey, OH, Lucas County, by the Richfield Township Fire Department. A representative from TDES went out to investigate the deliberate burn area. They were escorted by the sheriffs department and saw evidence of a large pit approximately 50' x 100' in circumference with reported flames as high as 10 feet, that had been used as a burn area. The fire was still smoldering. There was evidence of illegal materials being burnt, consisting of but not limited to: orphan drums, tires, metal, asphalt shingles, siding and insulation building materials.</p>

The above violation(s) may subject the violator to penalties of up to \$250.00 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.

