

CITY OF TOLEDO



COPY

DEPARTMENT OF PUBLIC UTILITIES

December 8, 2009

CERTIFIED MAIL

7007 0710 0003 6067 6503

Mr. David Haupricht

3460 Butz Road

Maumee, Ohio 43537

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 **13332 Sylvania Metamora Road, Berkey, OH, Lucas County**. 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) 936-3765.

From Toledo – an International Award Winning City!

A handwritten signature in black ink that reads 'Bob Lopez'.

Bob Lopez
Sr. Environmental Specialist

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

NOTICE OF VIOLATION

December 8, 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
3460 Butz Road
Maumee, Ohio**

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

<u>Regulations Violated</u>	<u>Description and Dates of Violations</u>
<p>OAC Rule 3745-19-03 (A), (B) (2) (a), (b), (c)</p> <p>3745-19-03 Open burning in restricted areas. (A) No person or property owner shall cause or allow open burning in a restricted 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>On November 14, 2009 The City of Toledo, Division of Environmental Services responded to complaints of open burning near the vicinity of a previous open burning incident on the property noted as 13330 Sylvania Metamora Road. Upon arrival open burning of waste materials, from the demolition of a garage type structure, was observed on the property adjacent to the location of the previous open burning investigation in October of this year. Open Burning Regulations from the OEPA were given to James Haupricht, who stated that the current property address may be listed as 13332 Sylvania Metamora Road.</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 **Bob Lopez**, 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.

For a complete copy of Ohio's open burning regulations, contact:

Ohio EPA
Division of Air Pollution Control
P.O. Box 1049
Columbus, Ohio 43216-1049
(614) 644-2270

or visit our Web site at
www.epa.state.oh.us/dapc/general/openburning.html

OhioEPA

State of Ohio Environmental Protection Agency

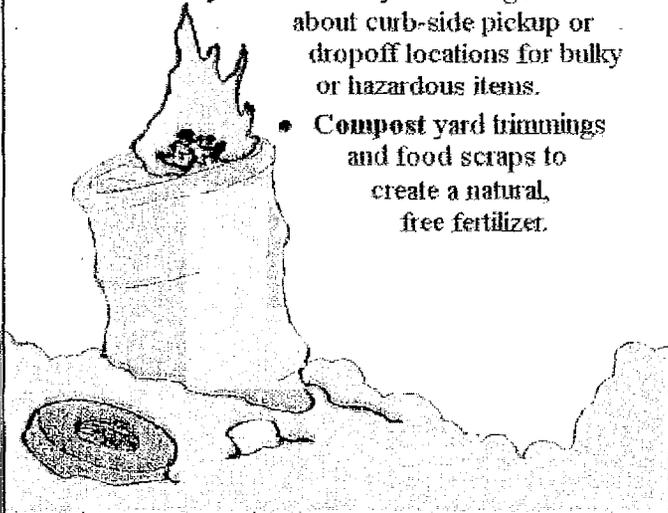
Before You Light It...

Know Ohio's Open Burning Regulations

June 2007

What you can do instead of open burning

- Reduce the amount of waste you generate.
- Reuse items in another way.
- Recycle - Contact your local government about curb-side pickup or dropoff locations for bulky or hazardous items.
- Compost yard trimmings and food scraps to create a natural, free fertilizer.



Ted Strickland, Governor
Chris Korleski, Director

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When you burn refuse in burn barrels or open piles, the potential cost to your health, your home, your neighbors and your environment far exceeds the price of adequate collection services.

Protect yourself, your neighbors and your wallet by knowing the rules—what you can burn and where.

What is open burning?

You are open burning any time you light an outdoor fire without a chimney or stack.

Why is open burning a problem?

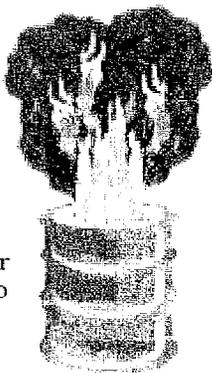
Open burning can release many kinds of toxic fumes. Leaves and plant materials send aloft millions of spores when they catch fire, causing many people with allergies to have difficulty breathing.

The pollutants released by open burning also make it more difficult to meet health-based air quality standards, especially in or near large cities. The gases released by open burning can also corrode metal siding and damage paint on buildings.

What open burning is never allowed?

Under Ohio law, these materials *may not* be burned anywhere in the state at any time:

- garbage—any wastes created in the process of handling, preparing, cooking or consuming food;
- materials containing rubber, grease and asphalt or made from petroleum, such as tires, cars and auto parts, plastics or plastic-coated wire; and
- dead animals.



Other restrictions:

- Open burning is not allowed when air pollution warnings, alerts or emergencies are in effect.
- Fires cannot obscure visibility for roadways, railroad tracks or air fields.
- No wastes generated off the premises may be burned. For example, a tree trimming contractor may not haul branches and limbs to another site to burn.

Does Ohio EPA ever allow exceptions to the rules?

Under certain circumstances, yes. However, to burn a prohibited material or set a fire in a restricted area, you must receive written permission from Ohio EPA *before* you begin burning. This may take two weeks.

Can a community regulate open burning?

Yes. However, local ordinances cannot be less strict than the state law.

What happens if I'm caught illegally open burning?

Ohio EPA has the authority to enforce the state's open burning laws. Violations can result in substantial penalties. If you have any questions, or would like to report a suspected open burning incident, contact your Ohio EPA district office or your local air pollution control agency. Ohio EPA is represented by five district offices and nine local air agencies. See the map in this brochure for the agency to contact in your area.

Health Concerns

Burning household waste produces many toxic chemicals and is one of the largest known sources of dioxin in the nation.

Other air pollutants from open burning include particulate matter, sulfur dioxide, lead and mercury.

These pollutants have been linked to several health problems, including asthma, respiratory illnesses, nervous system damage, kidney and liver damage, and reproductive or developmental disorders.

What can I burn?

The following open fires are **allowed** in Ohio:

Type of Fire	Inside a village or city* (if generated on property)	Outside a village or city* (if generated on property)
Barbeques, campfires cookouts	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood-or equivalent.	Wood stack no larger than 2 ft. high x 3 ft. wide. Use clean, seasoned firewood or equivalent.
Agricultural waste	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but not buildings. <i>Fire must be more than 1,000 feet from neighbor's inhabited building. Must notify Ohio EPA in advance.</i>	Agricultural wastes and plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and material from crop or livestock production. This includes fence posts and scrap lumber, but not buildings. <i>Fire must be more than 1,000 feet from neighbor's inhabited building.</i>
Land-clearing waste	Not permitted in city limits	Plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and crop residues. <i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Residential waste	Not permitted in city limits	Plant matter such as tree trimmings, stumps, brush, weeds, leaves, grass, shrubbery and crop residues. Also wastes such as wood or paper products that are generated by one-, two-, or three-family residences. <i>Fire must be more than 1,000 feet from neighbor's inhabited building.</i>
Ceremonial fires	Wood stack no larger than 5 ft. high x 5 ft. wide. Duration no longer than three hours. Use clean, seasoned firewood or equivalent. <i>Must notify Ohio EPA in advance.</i>	Wood stack no larger than 5 ft. high x 5 ft. wide. Duration no longer than three hours. No notification required.
Occupational fires: welding torches, heating tar, heating for warmth of outdoor workers and strikers	Use clean, seasoned firewood contained in a 55-gallon drum.	Use clean, seasoned firewood contained in a 55-gallon drum.
Firefighter training, Explosive material disposal	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Horticultural, silvicultural, range or wildlife management practices	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>	<i>With prior written permission from Ohio EPA. This may take two weeks.</i>
Disease or pest control	Local health department, the Ohio Department of Agriculture or the U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method <i>and must notify Ohio EPA in advance.</i>	Local health department, the Ohio Department of Agriculture or the U.S. Department of Agriculture verifies to Ohio EPA that open burning is the only appropriate control method.

*villages and cities are considered "restricted areas," which include:

- within the boundaries of any municipal corporation;
- within corporation limits and a 1,000-foot zone outside any municipal corporation having a population of 1,000 to 10,000; and
- within corporation limits and a one-mile zone outside any municipal corporation with a population of more than 10,000. Call your local municipality for corporation boundaries.



District Offices

CDO - Central District Office - (800) 686-2330

NEDO - Northeast District Office - (800) 686-6330

NWDO - Northwest District Office - (800) 686-6930

SEDO - Southeast District Office - (800) 686-7330

SWDO - Southwest District Office - (800) 686-8930

Local Air Pollution Control Agencies

1. Akron Regional Air Quality Management District (800) 589-2480
www.ci.akron.oh.us/Health04/divisions.htm
2. Canton Division of Air Pollution Control (330) 489-3231
www.cantonhealth.org/air_pollution_control.htm
3. Hamilton County Environmental Services (800) 889-0474
www.hcdoes.org
4. Cleveland Division of Air Quality (216) 664-2297
www.clevelandhealth.org
5. Regional Air Pollution Control Agency (Dayton Area) (800) 458-2115
www.rapca.org
6. Lake County Air Pollution Control (440) 350-2543
www.leghd.org
7. Portsmouth Air Pollution Control (740) 353-5156
www.ci.portsmouth.oh.us/departments/health/
8. Toledo Division of Environmental Services (419) 936-3015
www.ci.toledo.oh.us/index.cfm?Article=940
9. Mahoning-Trumbull Air Pollution Control Agency (330) 743-3333
www.ychd.com/airpollution.html