

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES
November 25, 2009

CERTIFIED MAIL

7007 0710 0003 6067 6497

Mr. James Haupricht
1288 County Road M
Swanton, Ohio 43558

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!

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

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 25, 2009

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

**Mr. James Haupricht
1288 County Road M
Swanton, Ohio 43558**

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.