CITY OF TOLEDO

DEPARTMENT OF PUBLIC UTILITIES

August 16, 2011

CERTIFIED MAIL

Mr. Esiquio Castillo
11997 Shaffer Rd.
Swanton, OH 43558

Re: Notice of Violation – Open Burning

Dear Mr. Castillo:

Enclosed is a **Notice of Violation** for non-compliance with the Ohio Administrative Code 3745-19-04 regarding open burning at **11997 Shaffer Rd, Swanton, Ohio, 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) 936-3767.

Sincerely,

Lynn M. Pedro

Lynn M. Pedro
Sr. Environmental Air Specialist

LMP/lp

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
R. Hineline

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 16, 2011

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

Mr. Esiquio Castillo
11997 Shaffer Rd
Swanton, OH 43558

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

Regulations Violated	Description and Dates of Violations
OAC Rule 3745-19-04 (A), (B) (2) (a), (b), (c) 3745-19-04 Open burning in an unrestricted area. (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.	On August 2, 2011, City of Toledo Environmental Services responded to a complaint from Ohio Environmental Agency regarding illegal open burning of materials on the property at 11997 Shaffer Rd, Swanton, Ohio. Upon an inspection of your burning area, it was noted that there were several non-permissible items being burned. These items included, but not limited to, garbage, empty containers of gasoline and other accelerant-type containers, plastic, cardboard, spray cans, metal and food items. Burned ashes had remnants of cans. It was stated that this is an ongoing, nightly occurrence, and that the Swanton Township Fire Department and the Fire Marshal have also been out regarding this illegal burning.

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. Clean up the area around the fire pit. Removal all garbage.

3. 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), which could include cleanup of the fire pit and a smaller burning area in which to only burn clean, seasoned firewood.

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.