

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

July 19, 2011

CERTIFIED MAIL

Kenneth Eitnear
13440 Brindley Road
Swanton, Ohio 43558

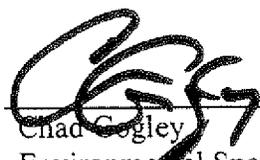
RE: Notice of Violation

Dear Kenneth Eitnear:

Enclosed is a Notice of Violation for non-compliance with the Toledo Municipal Code (TMC) Chapter 1777, and Ohio Administrative Code (OAC) 3745-19 regarding open burning regulations.

Please review this document carefully, as some action is required on your part. If you have any questions, please contact me.

Sincerely,


Chad Cogley
Environmental Specialist

Enclosure
CG/cg

cc: Timothy D. Murphy, Commissioner, Environmental Services
Joyce Anagnos, Senior Attorney
Michelle Tucker, Industrial Waste Control Specialist
Charles Campbell, Chief Water 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

July 19, 2011

The City of Toledo, Division of Environmental Services, hereby serves notice that:

Kenneth Eitniew
13440 Brindley Road
Swanton, Ohio 43558

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

Date of Violation:

July 10, 2011

Description of Violation:

City of Toledo Emergency Response Personnel was alerted to an open burning on June, 29, 2011 at 12:15pm. At that time literature was left with homeowner's son since the homeowners were not at home. The literature stated that the largest a fire can be is a 3' X 3' base with flames going no higher than 2' off the ground. The literature also stated that only clean seasoned firewood may be used.

On Monday, July 11, 2011 our office was notified by Swanton Fire that they responded to an open burning complaint at 13440 Brindley Road at 9:45pm on Sunday, July 10, 2011. The size of the base of the fire was 50' X50' with flames far above the allowable 2' in height. Material being burnt was shrubs and an old plastic pool liner.

Regulation(s) Violated:

TMC 1777.02

OAC 3745-19 (2)(a)(b)(c)

Bonfires, campfires and outdoor fireplace equipment, whether for cooking food for human consumption, pleasure, religious, ceremonial, warmth, recreational, or similar purposes, if the following conditions are met:

- (a) They are fueled with clean seasoned firewood, natural gas or equivalent, or any clean burning fuel with emissions that are equivalent to or lower than those created from the burning of seasoned firewood;
- (b) They are not used for waste disposal purposes; and
- (c) They shall have a total fuel area of three feet or less in diameter and two feet or less in height except when such fire is used for ceremonial purposes it may have a total fuel area no greater than five feet in diameter and five feet in height if the ceremonial fire burns no longer than three hours.

Required Actions:

Upon receipt of this notice, you are required to:

1. Abate the violation(s) or provide acceptable remedies.
2. Reply in writing to this Notice of Violation within **ten** calendar days. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken to abate the violation(s).
 - b. Description(s) and expeditious time schedules of action(s) yet to be taken to abate the violation(s).
 - c. Description(s) of action(s) taken or to be taken to prevent recurrence of the violation(s), to the City in the future, along with copies of your records and reports.

Your written response, and any questions regarding this Notice of Violation, should be directed to **Chad Gogley**, Division of Environmental Services, 348 South Erie Street, Toledo, Ohio 43604, phone: 419-936-3947.

This Notice of Violation is not a final action of the Director of Public Utilities. The City of Toledo reserves the right, pursuant to chapters 1777, of the Toledo Municipal Code, and any other applicable local, state, and federal laws or regulations to require further site investigation and abatement to address releases of hazardous wastes, hazardous substances, industrial wastes, or other wastes, pollutants, or contaminants into the environment at the above designated site and to seek civil penalties, reimbursement of oversight costs, response costs, and any other appropriate legal or equitable relief for any violation of law.