

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

January 12, 2011

CERTIFIED MAIL

Mr Brian Perz
Toledo Lucas County Port Authority
One Maritime Plaza 7th floor
Toledo, OH 43604

RE: Notice of Violation

Dear Mr. Perz:

Enclosed is a Notice of Violation for non-compliance with the Ohio Administrative Code (OAC) Chapter 3745-20 regarding (Asbestos/Demolition) and 3745-19 (Open Burning Notifications) at the locations of 11314 Maumee Western Rd, Swanton, OH and 11360 West Airport Service Rd, Swanton, Oh.

Please review this document carefully, as some action is required on your part. Please contact me if you have any questions or need any additional information at (419) 936-3015 or lynn.pedro@toledo.oh.gov.

Sincerely,

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

Lynn Pedro
Senior Environmental Specialist

LP/Imp

cc: Tom Buchan, Ohio EPA
Shamus Estep, Ohio Department of Health
Timothy D. Murphy, Commissioner, Environmental Services
Karen P. Granata, Chief, Air Resources
John Paulian, Ohio EPA
William MacDowell, US EPA, Region 5

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

January 12, 2011

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

The Toledo Lucas County Port Authority
One Maritime Plaza 7th floor
Toledo, Ohio 43604

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

Date of violation:

December 8, 2010

Description of violation:

City of Toledo, Environmental Services officials received information that demolition occurred without proper paperwork and notification procedures at the property(s) located at 11314 Maumee Western Rd and 11360 West Airport Service Rd in Swanton, Ohio. Partial notifications were submitted stating demolition, renovation, and fire training operations at both locations. A separate form for "Permission to Open Burn" was never received.

Regulation(s) violated:

OAC 3745-20-03

Standards for demolition and renovation, facility inspection, and determination of applicability.

OAC 3745-19-05

Permission to Open Burn and notification to Ohio EPA.

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 Fourteen (14) calendar days. The reply shall include:
 - a. Description(s) and date(s) of action(s) taken to abate the violation.
 - b. Description(s) of action(s) taken or to be taken to prevent a recurrence of the violation (s).

Your written response, and any questions regarding this Notice of Violation, should be directed to Lynn Pedro, Division of Environmental Services, 348 S. Erie St., Toledo, Ohio 43604, phone: (419) 936-3767.

This Notice of Violation is not a final action of the Director of Public Utilities. The City of Toledo reserves the right, pursuant to Chapter 1787 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.

