

# CITY OF TOLEDO



## DEPARTMENT OF PUBLIC UTILITIES

August 27, 2008

### CERTIFIED MAIL

Mr. Timothy Neumann  
3110 Shoreland Rd  
Toledo, OH 43611

### Re: Notice of Violation – Open Burning

Dear Mr. Neumann:

Enclosed is a Notice of Violation for non-compliance with the Ohio Administrative Code 3745-19 regarding open burning at 3150 Shoreland Rd, Toledo, OH. 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.

From Toledo – an International Award Winning City!

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

Lynn M. Pedro  
Sr. Environmental Air Specialist

LMP/lmp

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  
Chief Matthew Hart, Washington Local Fire Dept.

**NOTICE OF VIOLATION**

August 26, 2008

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

**Mr. Timothy Neumann, Owner  
3150 Shoreland Rd  
Toledo, OH 43611**

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

<u>Regulations Violated</u>	<u>Description and Dates of Violations</u>
<p><b>OAC Rule 3745-19-03 (A), (B) (2) (a), (b), (c)</b></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 August 21, 2008, Washington Local Fire Department witnessed and extinguished an open burning event on your property at 3150 Shoreland Rd, Toledo, Ohio, at approximately 12:52 PM. They witnessed illegal burning of non-permissible items; such as, but not limited to: metal, bricks, rebar, green wood, and electronic items. Toledo Environmental Services was contacted and followed up at the area of the deliberate open burn site. They noted an open burn area about 18 ft. x 10 ft. consisting of the same materials. The Fire Department stated that this fire was unattended, with no means of extinguishing it in the area.</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), including proper cleanup of all existing railroad ties on said property.

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.

