

CITY OF TOLEDO



DEPARTMENT OF PUBLIC UTILITIES

March 14, 2008

CERTIFIED MAIL

R & M Recycling
Attn: Mr. David J. Willet
4103 Lagrange Street
Toledo, OH 43612

Re: Notice of Violation

Dear Mr. Willet:

Enclosed is a **Notice of Violation** for non-compliance with the Ohio Administrative Code 3745-19-03 regarding open burning in a restricted area at the R & M Recycling property located at 4103 Lagrange Street. 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) 936-3751.

From Toledo - an International Award Winning City!

A handwritten signature in cursive script that reads "Marilyn Dufour".

Marilyn Dufour
Environmental Specialist

Enclosure

cc: John Paulian, Ohio EPA
Timothy D. Murphy, Commissioner, Toledo Environmental Services
Karen Granata, Chief, Air Resources
Joslyn Summers, Engineering Associate

NOTICE OF VIOLATION

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

R & M Recycling
4103 Lagrange Street
Toledo, Ohio 43612

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>OAC 3745-19-03 (A)</p> <p>Open burning in restricted areas. (A) No person or property owner shall cause or allow open burning in a restricted area except as provided in paragraphs (B) to (D) of this rule or in section 3704.11 of the Revised Code.</p>	<p>On March 7, 2008 at approximately 4:17 p.m., a large plume of gray-black smoke was observed coming from the torching area along the south fence at the R & M Recycling property, 4103 Lagrange Street. Upon further investigation, open flames were observed in the residual contents of an underground storage tank being handled in the torching operation. Bob Blackburn, Yard Foreman, ordered the flames extinguished at approximately 4:42 p.m.</p>
<p>TMC 1777.02</p> <p>Open Burning Prohibited. There is hereby adopted and incorporated by reference as if set out at length herein for the purpose of prescribing regulations governing conditions related to air pollution that certain code known as Ohio Administrative Code Chapter 3745-19 Open Burning Standards.</p>	<p>Open flames were observed more than twenty minutes after the onset of a burning incident coming from an underground storage tank being handled in the torching operation at the R & M Recycling property, 4103 Lagrange Street.</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 Marilyn DuFour, 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. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

