

January 12, 2009

Mr. Gary Slaven
Falcon Foundry
96 Sixth Street
Lowellville, Ohio 44436

RE: Complaint # 08-111

Certified Mail: 7007 2560 0001 3200 4320

Dear Mr. Slaven:

On November 7, 2008 the Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA) received a complaint concerning open burning at the above stated facility address. On November 10, 2008 I completed an investigation at the facility and based on statements that were provided by the operator to myself and the Ohio EPA – DSW – NEDO on October 14, 2008, it was determined that open burning has been occurring at the facility.

On November 11, 2008 I spoke with Mr. Chuck Schiavello from your company. At that time I informed him that since this appeared to be a first time open burning violation, a verbal warning would be issued. However, upon review of our records, a previous warning letter for open burning was issued on July 14, 1993.

This is your second letter regarding the open burning being conducted at your facility. Let me again advise you that businesses are not permitted to open burn in the State of Ohio for waste disposal purposes. Open burning in a restricted area for waste disposal purposes is a violation of Ohio Administrative Code 3745-19-03. Therefore, all open burning being conducted in violation of the regulations above must cease immediately.

Ohio Administrative Code 3745-19-06(A) provides that the director of Ohio EPA may assess and collect, through unilateral orders, civil penalties of not more than one thousand dollars per day for each separate violation of the open burning rules that occurs on industrial, commercial, institutional or municipal property.

Be advised that this warning letter does not constitute a waiver of MTAPCA's ability to pursue further enforcement action through Ohio EPA concerning this or any other violations or to seek penalties as provided in Ohio Revised Code Chapter 3704.

Enclosed is a copy of Ohio's Open Burning Standards for your review. If you have any questions regarding this letter or the regulations, please contact me at (330) 743-3333 extension 284.

Yours very truly,

William Slanina
Inspector

cc: Complainant

John Kwolek, Ohio EPA – DSW – NEDO
Jana Gannon, Ohio EPA – DAPC – NEDO
Katharina Snyder, Ohio EPA – DSIWM – NEDO
John Schmidt, Ohio EPA – DSIWM – NEDO
Mary Helen Smith, DBOHMC Solid Waste Program
Tom Kalman, Ohio EPA
Lisa Holscher, US EPA

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