

March 27, 2009

Delivery Confirmation

Joseph L. Yochman & Robin Yochman  
610 S. Newton Falls Rd.  
Diamond, Ohio 44412

Re: Notice of Violation  
Complaint # 2009014  
Parcel #'s 511210009020 & 512210011000  
Stoltz Rd.  
Milton Twp. Mahoning County, Ohio

Dear Mr. & Mrs. Yochman:

On March 6, 2009 the Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA) received a complaint concerning open burning at the above stated address. On March 23, 2009 this writer completed an investigation at the above referenced address and it was determined that open burning has been occurring at this location.

On March 23, 2009 I spoke with Mr. Joseph Yochman on the phone at the time of inspection. At that time I informed you that since there appeared to be a history of open burning violations, a follow up letter and inspection would occur. Upon review of our records, two previous warning letters for open burning were issued on March 21, 2007 and on January 12, 1998.

This is your third letter regarding the open burning being conducted by your company. 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 283.

Sincerely,

Tara Cioffi  
Registered Sanitarian

cc: Dave Fetchko, MCDBOH  
Tom Kalman, Ohio EPA  
File