

May 13, 2009

Mr. Keith Smith
38 Madison Avenue
Youngstown, Ohio 44505

RE: Complaint # 09-037

Certified Mail: 7007 2560 0001 3200 4412

Dear Mr. Smith:

On May 5, 2009, the Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA) received a complaint of open burning at the above stated facility address. On May 5, 2009 I observed the remains of burned and partially burned telephone books at the facility.

As I explained to you at that time businesses are not permitted to open burn in the State of Ohio for waste disposal purposes. Be advised that the open burning that was being conducted on your property on May 5, 2009 was in violation of Ohio Administrative Code 3745-19-03 open burning in restricted areas (enclosed). 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 our Agency at (330) 743-3333 extension 284.

Yours very truly,

William Slanina
Inspector

cc: Sharyl Frasier, Inspector Youngstown Fire Department

Enclosures: Open Burning Standards