

MAHONING-TRUMBULL AIR POLLUTION CONTROL AGENCY

A Division of the Youngstown City Health District

OAKHILL RENAISSANCE PLACE

2nd Floor - Room 25

345 Oak Hill Avenue

Youngstown, Ohio 44502-1454

Phone (330) 743-333 ext 282

Fax (330) 744-1928

June 4, 2010

Kushner's Garden & Patio
2421 E. Western Reserve Rd.
Poland, Ohio 44514

Re: Complaint # 10-051
Notice of Violation

Certified Mail: 70091680000173292711

Dear Mr. Don Kushner:

On May 7, 2010, the Mahoning-Trumbull Air Pollution Control Agency (M-TAPCA) received a complaint concerning open burning of trash and other miscellaneous items at the above stated address. On May 10, 2010 an inspection was done at Kushner's Garden & Patio located at 2421 E. Western Reserve Rd., Poland, Ohio. At the time of inspection you indicated that burning activities were being done in a small pit in the rear of the property and would cease any additional burning. At the time of inspection this writer observed a large pile of miscellaneous burned debris in the rear of the property. The pile consisted of but was no limited to plastic pots, land clearing waste, plants, pallets, and miscellaneous plastic materials. (pic attached). I informed you at this time it is illegal to burn anything but clean seasoned firewood in a wood stack no larger than a 2 ft high by 3 ft wide pile at this location.

Please be advised you are in violation of Ohio Administrative Code (OAC) 3745-19-03. It is recommended by this agency that the burn pile be properly disposed and all open burning of illegal materials cease immediately to prevent future action.

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 violation 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, RS
Sanitarian

Cc: Open Burning file
Dave Fetchko, Mahoning County Health Dept.
Tom Kalman, OEPA

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REPRESENTING THE OHIO ENVIRONMENTAL PROTECTION AGENCY IN MAHONING AND TRUMBULL COUNTIES