



John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

December 17, 2012

RE: **SECOND NOTICE OF VIOLATION
OPEN BURNING**

CERTIFIED MAIL

Mr. John Erb
Tree Savor Pallets Recycling Co.
1784 Mini Ranch
Geneva, Ohio 44041

Dear Mr. Erb:

The purpose of this letter is to notify you that you are in violation again of Ohio Administrative Code (OAC) Rule 3745-19-03 which prohibits open burning for waste disposal purposes by a business. Because of the previous instance of open burning being referred to our legal staff in Columbus for appropriate action, this instance of open burning is being added to that action.

The Ashtabula Township Fire Dept. has provided information to Ohio EPA that your business, Tree Savor Pallets Recycling Co., 5750 West 58 Street, Ashtabula, Ohio has open burned on November 30, 2012. The open burning occurred inside a metal tank which caught surrounding stacks of wood pallets on fire.

On July 11, 2011, a notice of violation was issued to you for open burning on June 30, 2011 and warning letters were issued for open burning on September 19, 2007 and March 16, 2011.

Please respond in writing within five (5) days of receipt of this letter how you intend to prevent any additional violations from occurring at your business.

This letter of information pursuant to this letter does not constitute a waiver of the Ohio Environmental Protection Agency's (EPA) authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case. Further communications may be directed to you regarding the requested information or any additional violations that may be found.

MR. JOHN ERB
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Should you have any questions regarding this letter, do not hesitate to contact me at (330) 963-1241.

Sincerely,



Richard Kolosionek
District Representative
Division of Air Pollution Control

RK:bo

pc: Ed Fasko, DAPC,NEDO
Bob Princic, DAPC,NEDO
Tim Fischer, DAPC,NEDO
Bruce Weinberg, DAPC, CO
Brian Dickens, U.S.EPA, Region 5
Ashtabula Township Fire Dept.
Ashtabula City Fire Dept.