



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Central District Office

MAILING ADDRESS:

Lazarus Government Center  
50 W. Town St., Suite 700  
Columbus, Ohio 43215

TELE: (614) 728-2778 FAX: (614) 728-3998  
www.epa.state.oh.us

P.O. Box 1049  
Columbus, OH 43216-1049

**CERTIFIED MAIL # 91 7108 2133 3932 4450 1680**

**NOTICE OF VIOLATION**

November 12, 2008

Linda Bivens  
J. Topy & Son  
464 N. Highland Avenue  
Columbus, OH 43204

Dear Ms. Bivens:

This confirms our conversation of November 7, 2008 wherein I advised you that you were open burning in violation of Ohio Administrative Code 3745-19. These actions are subject to fines and penalties.

Specifically, at 464 N. Highland Avenue, Columbus and at the east end of your property in the BSS work area, you were open burning construction debris and green pine limbs with attached green needles. There are provisions in the rule for having a warming fire, but it was not even cold out on the day the fire was observed. Also, some of the materials being burned would not be considered to be as clean as seasoned firewood.

This letter is not a final action of the Director of Ohio EPA and is intended only as a notification of a violation of the Ohio environmental laws and regulations. It does not preclude Ohio EPA or any other governmental entity from further enforcement action.

Should you have any questions, please do not hesitate to call me at (614) 728-3808.

Sincerely,

David Burroughs  
Environmental Specialist  
Division of Air Pollution Control  
Central District Office

- c: Chief Richard Howard, Franklin Township Fire Department
- Deputy Richard Thompson, Franklin County Sheriff's Office
- Adam Ward, DAPC/CDO

DB/ct topoys464highland

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director