



State of Ohio Environmental Protection Agency

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October 17, 2008

Fire Chief Ned Pettus, Jr.
City of Columbus, Department of Public Safety
Columbus Division of Fire
3675 Parson Avenue
Columbus, Ohio 43207

**Re: Ohio EPA spill # 2008-09-25-3862
Notice of Violation (NOV)**

Dear Chief Pettus:

On Friday, September 19, Ohio EPA Central District Office, Division of Emergency and Remedial Response received a citizen complaint regarding an oily sheen discharging into a pond from a training fire held at 1880 Snouffer Rd.

I responded to the complaint and found a oily brownish material discharging from the floor drain tile into the pond. I also found a storm water inlet and outlet that eventually would discharge into the Olentangy River, thus making the pond "Waters of the State." The discharge of the sheen, therefore, was a violation of Ohio Revised Code 6111.04, which states that "No person...shall place or discharge, or cause to be placed or discharged, in any waters of the state, any sewage, industrial wastes, or other waste...without first receiving a permit from the director (of environmental protection) to do so." Violations of ORC 6111 may result in civil penalties of up to \$10,000 a day or criminal penalties up to \$25,000.

In addition, such releases of a petroleum sheen to a navigable waterway and to waters of the state must be reported under both federal regulation, 40 CFR Part 110, and the state regulation, ORC 3750.06, as soon as possible. Failure to do so carries additional penalties.

Upon further investigation, it was determined that the Permission to Open Burn in Restricted Areas permit obtained to conduct the training fire had expired. The training fire which occurred on September 19, after the July 31 permit expiration date is, therefore, a violation of Ohio Administrative Code 3745-19-05 (A).

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