





**Environmental  
Protection Agency**

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

Re: Allen County  
Open Burning Complaint  
**Notice of Violation**

January 18, 2012

CERTIFIED MAIL

Mr. Gary Lugibihl  
Gary Lugibihl Excavating  
10125 Tom Fett Road  
Bluffton, Ohio 45817

Dear Mr. Lugibihl:

This office received a complaint on January 5, 2012, concerning open burning being conducted by your company at 2663 Reservoir Road in Lima, Ohio (Allen County Parcel #37281201004000). My investigation, conducted on January 12, 2012, shows the building on the parcel was demolished and burned for disposal purposes. This was done within 1000' of adjacent residences in an unrestricted area.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of OAC rule 3745-19-04(A). Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A).

A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than February 3, 2012.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

Mr. Gary Lugibihl  
January 18, 2012  
Page 2

If you have any questions concerning this letter or the regulations, please feel free to call me at (419) 373-3137 or e-mail at [thomas.cikotte@epa.state.oh.us](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte

Division of Air Pollution Control

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Enclosure

pc: Allen County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 1392

ec: William MacDowell, U.S. EPA Region V  
Tom Kalman, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC – NWDO