



Environmental  
Protection Agency

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

April 27, 2011

Robert Roach  
4028 County Road 91  
Bellefontaine, Ohio 43311

**Notice of Violation**

Dear Mr. Roach:

On April 15, 2011, I was investigating an open burning complaint along County Road 13 and Township Road 46 North, when I observed a large smoke plume crossing Township Road 46 North. The smoke cloud was being generated from what appeared to be a number of field fires that were burning on your 4028 County Road property.

Based on my investigation a number of the fires were located within a thousand feet from inhabited buildings not located on your property. These fires constitute violations of Ohio Administrative Code (OAC) rules 3745-19-04(B)(3)(c), for the disposal of "residential" or "agricultural waste" generated on your property, and/or OAC rule 3745-19-04(C)(4)(c) for the disposal of "land clearing waste" generated on your property.

Based on our records there was no open burning permit issued from this office for open burning at your 4028 County Road property. These fires also constituted violations of OAC rule OAC rule 3745-19-04(C), which requires the receipt of written permission from the Ohio EPA prior to the use of open burning to dispose of "land clearing waste", recognized "horticultural", "silvicultural", "range" or "wildlife" management practices.

You are here by requested to take immediate steps to assure that any future open burning that you conducted and/or are involved with is in compliance with all applicable air pollution regulations and does not create a "public nuisance" for the surrounding area.

Any subsequent violations will be referred to our Central Office for enforcement action with the recommendation for a significant monetary penalty. The Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, and 3750 of the Ohio Revised Code and any other applicable state or federal laws or regulations to seek civil and/or criminal action, reimbursement of response costs and any other appropriate legal or equitable relief for any violation of law.

Robert Roach  
April 27, 2011  
Page 2

Please see the enclosed pamphlet on the open burning rules. If you have any questions or comments, or wish to discuss this matter further, please feel free to contact me at (937) 285-6063.

Sincerely,



Craig Osborne  
Environmental Specialist  
Southwest District Office  
Division of Air Pollution Control

Enclosure

cc: Fire Chief John Schulz, Bellefontaine Fire and EMS

ec: John Paulian, CO/DAPC  
William Mac Dowell, U.S. EPA, Region V  
Tom Schneider, SWDO/ DAPC  
Craig Osborne, SWDO/ DAPC

CO\bp