



**Environmental
Protection Agency**

Ted Strickland, Governor
Les Fisher, Lt. Governor
Chris Koreski, Director

October 7, 2010

Mr. David Opperman
C/O Eagle LLC
4710 Roachester Osceola Road
Morrow, Ohio 45152

CERTIFIED MAIL

NOTICE OF VIOLATION

Dear Mr. Opperman:

You are hereby notified that the Ohio Environmental Protection Agency (Ohio EPA) finds you to be in violation of Ohio's open burning and solid waste regulations. In response to a complaint filed with the agency by the Clinton Highland Joint Fire District, it was determined that open burning of solid waste and other wastes occurred at a property owned by you at or near 204 South Second Street, New Vienna, Ohio.

The violations you have committed include, but are not limited to the following:

- **The open burning of solid wastes, including solid wastes made from petroleum products including plastics.**
- **The open burning of construction and demolition debris, including lumber.**

The above identified activities are in violation of Ohio Administrative Code (OAC) rule 3745-19-03, *Open burning in restricted areas*, and Ohio Revised Code (ORC) Section 3704.03. In addition, the open burning of solid waste is in violation of OAC rule 3745-27-05(B) and ORC Section 3734.03, and the open burning of construction and demolition debris is in violation of OAC rule 3745-400-04 and ORC Section 3714.02.

Southwest District Office
401 East Fifth Street
Dayton, OH 45402-2911

937 | 285 6357
937 | 285 8249 (fax)
www.epa.ohio.gov

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You must cease all illegal open burning.

Please be aware that this investigation will be sent to our Central Office for further review and possible Enforcement. 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. If you have any questions or comments, or wish to discuss this matter further, please feel free to contact me at (937)285-6032.

Sincerely,



Terry A. Sanner
Environmental Specialist
Southwest District Office
Division of Air Pollution Control

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ec: Lisa Hoelscher, USEPA, Region 5
John Paulian, DAPC, CO
Maria Lammers, DSIWM, SWDO
Matt Johannes, Clinton County Health Department
Chief James Holcomb, New Vienna Police Department