



**Environmental
Protection Agency**

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

October 22, 2010

CERTIFIED MAIL

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

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 regulations. On October 14, 2010 and again on October 20, 2010 while performing routine follow up, I observed smoke emanating from the burn pit at a property owned by you at or near 204 South Second Street, New Vienna, Ohio. Due to the solid waste materials still smoldering at the above location, on October 22, 2010, I requested the assistance of the Clinton Highland Joint Fire District to completely extinguish the debris pile.

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, and treated lumber.**

The above identified activities are in violation of Ohio Administrative Code (OAC) rule 3745-19-04, *Open burning in unrestricted 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.

You must cease all illegal open burning.

This is the second notification that has been issued to you due to violations of open burning regulations. The first warning was provided to you on October 7, 2010. Please be aware that this investigation has been 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.

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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

TAS/kia

ec: John Paulian, DAPC, CO
Maria Lammers, DSIWM, SWDO
Matt Johannes, Clinton County Health Department
Chief James Holcomb, New Vienna Police Department
Chief Johnson, Clinton Highland Joint Fire District