



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Kordeski, Director

November 7, 2010

CERTIFIED MAIL

Mr. Bernie Martin
8284 Port Haven Rd.,
Sidney, Ohio 45365

Warning Letter

Dear Mr. Martin:

I would like to thank you for your cooperation during my recent open burning complaint investigation involving your open burning of wood waste material in the Port Haven neighborhood.

Please be aware that during my complaint investigation and neighborhood canvassing about the open burning rules, I received a number of comments from a number of neighbors that were concerned about the open burning in the neighborhood. Their concerns involved odor, smoke, possible property damage, and/or breathing problems. Like you, many of the neighbors agreed to read the information that I gave them and only open burn according to the rules from now on.

As we discussed and you understand that the open burning that you were conducting on November 5, 2010, at the vacate lot across from your 8284 Port Haven residence, constituted a violation of the Ohio Administrative Code (OAC) air pollution rules.

I would like to thank you for your willingness to cease all illegal open burning for now and into the future.

Please be aware that any future violations of the open burning regulation will initiate an Enforcement Action Referral (EAR) to 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.

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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)285-6063.

Sincerely,



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

cc: Captain Michael Eilerman, Shelby County Sheriff's Office,
(michael.eilerman@shelbycountysheriff.com);
Tom Schneider, Ohio EPA SWDO/DAPC; and
John Paulian, CO/DAPC

CO/mab