



State of Ohio Environmental Protection Agency

**Southwest District Office**

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Dayton, Ohio 45402

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Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Koreski, Director

March 12, 2009

**CERTIFIED MAIL**

Mr. Tim Davidson  
504 Carlisle Road  
Quincy, Ohio 43343

**NOTICE OF VIOLATION**

Dear Mr. Davidson:

The purpose of this letter is to inform you that you are in violation of Ohio's open burning regulations. On several occasions you have open burned land clearing waste and other wastes, including tires, at your property located at or near Foster Street, Quincy, Ohio, Logan County.

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 vehicle tires.**
- **The open burning of land clearing waste in a restricted area.**
- **Open burning within 1000 feet of an occupied dwelling not located on said property.**

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.

**You must cease all illegal open burning.**

Based on the evidence I observed, which includes no less than seven areas of obvious open burning, this has been an on going violation. During my visit on March 9, 2009, I informed you verbally that you must cease any further burning of the land clearing

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waste in a restricted area. I also informed you that it was against regulations to burn tires at any time any where in Ohio. You stated several times that you were aware that you weren't supposed to burn tires. After our meeting you continued to open burn the land clearing waste and tires. After additional complaints, I returned to the property on March 11, 2009 and observed yet another burn pile which included tires. This burn pile was within 100 feet of occupied dwellings.

Due to the recalcitrant nature of the open burning 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

cc: Logan County Sheriff's Office  
Logan County Health District  
Chief, Quincy-Miami Twp. Fire Department  
John Paulian, CO/DAPC  
Lisa Holscher U.S. EPA, Region V

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