



State of Ohio Environmental Protection Agency

Southwest District Office

401 E. Fifth St.
Dayton, Ohio 45402

TELE: (937) 285-6357 FAX: (937) 285-6249
www.epa.state.oh.us

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

November 12, 2009

CERTIFIED MAIL

Mr. Norm Fleagle
78 West Sugartree Street
Wilmington, Ohio 45177

NOTICE OF VIOLATION

Dear Mr. Fleagle:

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, it was determined that open burning of solid waste and other wastes occurred at your facility located at or near property owned by you at 1946 North US Highway 68, Wilmington, 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 what appears to be tires.**
- **The open burning of demolition debris, including treated lumber.**
- **The open burning of landscape waste that was generated on your property and was not located one thousand feet from an inhabited building not located on your premise.**

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 demolition debris is in violation of OAC rule 3745-400-04 and ORC Section 3714.02.

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You must cease all illegal open burning.

Please be aware that any subsequent violations will be sent 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.

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: Lisa Holscher, U.S. EPA, Region 5
Assistant Chief Mark Wiswell, Wilmington Fire Department
Matt Johannes, Clinton County Health District
John Paulian, CO/DAPC
Maria Lammers, SWDO/DSIWM

TAS/bp