



State of Ohio Environmental Protection Agency

Southwest District

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

**CERTIFIED MAIL**

June 4, 2008

Mr. Lance A. Dudgeon  
Sdi Inspection and Contracting  
3663 Tawana-Maplewood Road  
Sidney, Ohio 45365

**NOTICE OF VIOLATION**

Dear Mr. Dudgeon:

Based on complaint investigations by the Board of Health Sidney-Shelby County and this office, the repeated open burning at your 3663 Tawana-Maplewood Rd. residence constitute violations of the Ohio Administrative Code (OAC) open burning regulations.

The purpose of this letter is to:

- inform you of about open burning violations of Ohio's open burning; and
- demand an immediately halt to any open burning that is in violation of the attached OAC open burning rules.

**Open burning violations:**

On September 12, 2007, Terry Sanner, of this office, conducted a complaint investigation at your 3663 Tawana-Maplewood Road residence. During his complaint investigation he photographed a pile of various burnt materials in the middle of your lawn. On September 15, 2007, you signed the receipt of the "Certified Warning Letter", which Mr. Sanner sent you in response to his complaint investigation. On April 25, 2008, the Board of Health conducted nuisance investigation at your residence. Along with piles of debris, the Health Department took photographs of addition burn piles. On May 1, 2008, I conducted an additional open burning complaint investigation and verified that Mr. Sanner's September 2007 photographs and the Health Departments April 2008 photographs were in fact different burn piles.

Mr. Lance A. Dudgeon  
Sdi Inspection and Contracting  
June 4, 2008  
Page 2

Based on the above investigations and your signature on the "Certified Warning Letter" receipt of last September, it is clear that the recent open burning at your 3663 Tawana-Maplewood Road, residence, was knowingly conducted in violation of the OAC open burning rule 3745-19-04(A).

**Immediate halt of open burning in violation of OAC open burning rules:**

Based on the above information, you must halt any additional open burning that would be in violation of the attached rules. Please note that the open burning is also within 1,000 feet from the other inhabited house not located on the "premises", which may constitute additional violations.

Please be aware that the result of 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) 285-6063.

Sincerely,



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

cc: Michael McClain, Board of Health, Sidney-Shelby County  
Tom Schneider, Ohio EPA SWDO/DAPC  
John Paulian, Ohio EPA CO/DAPC  
Lisa Holscher U.S. EPA, Region V.

CO/plh