



State of Ohio Environmental Protection Agency

Southwest District Office

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

CERTIFIED MAIL

May 10, 2007

Mr. Dale Potter
6201 State Route 56
Mechanicsburg, Ohio 43044

NOTICE OF VIOLATION

Dear Mr. Potter:

Based on the photographs taken by the Mechanicsburg Fire Department and our investigation, the open burning that occurred at your 6201 State Route 56 property on May 1, 2007, constituted a violation of 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 rules;
- inform you of possible Solid Waste violations; and
- request your cooperation to immediately halt any open burning that is in violation of the attached OAC open burning rules.

Open burning violations:

The open burning of tires, household furniture, and other waste materials that appear in the photographs taken by the Mechanicsburg Fire Department on May 1, 2007, constitutes a violation of OAC rule 3745-19-04(A). Unless specifically listed under OAC rules 3745-19-04(B) or (C) or in section 3704.11 of the Ohio Revised Code, no person or property owner shall cause or allow open burning.

Possible Solid Waste violations:

Please be aware that this complaint has been forwarded to the Champaign Health Department for possible further review and investigation of solid waste requirements and rules. If you have any questions and/or concerns about solid waste requirements, please call Russ Wellman of the Champaign Health Department at (937) 484-1605.

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Mr. Dale Potter
May 10, 2007
Page 2

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

Based on the above information, you are requested to halt any additional open burning that would be in violation of the attached rules. Please note that although you own the property on both sides of State Route 56, 6200 and 6201 addresses, it is possible that they constitute different "premises" and any open burning of "residential" or "agricultural" waste generated on either "premises" may have to be at least 1,000 feet away from the other "premise" not located on the "premises" on which the waste was generated. We have requested guidance on this matter from our Central Office and will inform you of their conclusion as soon as we receive it.

Please be aware that 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
Division of Air Pollution Control

CO/br

cc: Chief Gary Shonkwiler, Mechanicsburg Volunteer Fire Department
Russ Wellman, Champaign Health Department
Tracy Buchanan, SWDO/DSIWM
Pat Willoughby, Ohio EPA SWDO/DSIWM
John Paulian, Ohio EPA CO/DAPC
Tom Schneider, Ohio EPA SWDO/DAPC