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State of Ohio Environmental Protection Agency

**Southwest District Office**

401 E. Fifth St.  
Dayton, Ohio 45402

TELE: (937) 285-6367 FAX: (937) 285-6249  
www.epa.state.oh.us

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

August 15, 2008

**CERTIFIED MAIL**

Mr. Raymond Montgomery  
104 South Broadway Street  
Midland, Ohio 45418

**NOTICE OF VIOLATION**

Dear Mr. Montgomery:

You are hereby notified that the Ohio Environmental Protection Agency (Ohio EPA) finds you to be in violation of Ohio's open burning regulations. On July 25, 2008 and August 11, 2008 open burning complaints were filed with the agency. Mr. Craig Osborne and I investigated the first complaint on July 28, 2008. I investigated the second complaint on August 13, 2008. On both occasions, it was determined that open burning of solid waste had occurred at or near property occupied by Montgomery's Auto Salvage, 139 Broadway St. North, Midland, 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 tires.

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.**

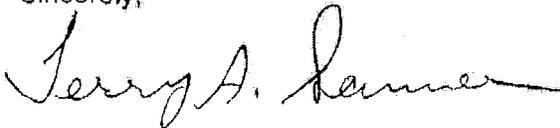
Based on Clinton South Fire Department run reports, this is not the first time the fire department has been called to extinguish this type of fire at your business. Please be aware that this investigation will be sent to our Central Office for further review and possible enforcement. The Ohio EPA reserves the right, pursuant to Chapters 3704, 3714, 3734, 3745, and 3750 of the Ohio Revised Code and any other applicable state

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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: Chief Campbell, Clinton South Fire Department  
Clinton County Sheriff's Office  
Clinton County Health District  
John Paulian, CO/DAPC  
Lisa Holscher U.S. EPA, Region V

TAS\bp