



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

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

Re: Wood County  
Open Burning Complaint

**Notice of Violation**

January 14, 2008

**CERTIFIED MAIL**

7006 0100 0003 7708 5756

Rick Nath  
CSX Transportation  
500 Water St.  
Jacksonville, FL 32202

Dear Mr. Nath:

This office received a complaint on January 7, 2008 concerning open burning being conducted on CSX property. The complaint was investigated by this office on January 7, 2008. Our investigation shows that, in the course of repairing "pull aparts", a cellulose insulation/diesel fuel paste was burned along railroad tracks in the City of Bowling Green. Based on our findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This a violation of Ohio Administrative Code (OAC) rule 3745-19-03(D)(3), open burning in a restricted area.

Ohio EPA understands that the repair of "pull aparts" is necessary to ensure safe travel on railways and to maintain public safety. Under the provisions of OAC rule 3745-19-05, Ohio EPA requires that an application for permission to open burn be submitted to this office. If granted, this permission would be valid for the remainder of calendar year 2008 and can be renewed annually by submitting an application for permission to open burn before January 1<sup>st</sup> of each subsequent year to this office.

The permission would be valid in all counties under the jurisdiction of the Northwest District Office. The permission would also specifically state the conditions that must be met for an allowed burn. One such condition would require the use of "Fire Snake", or a product with comparable emissions when combusted, in all restricted areas as defined by OAC rule 3745-19-01(J) or within 1000 feet of any inhabited structure in an unrestricted area and shall not obstruct visibility on roadways or airfields.

Mr. Rick Nath  
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A copy of the OAC rules pertaining to open burning has been enclosed. Please submit a written response to Ohio EPA indicating your understanding of the regulations and your commitment that no future unpermitted open burning will occur. Your response should be received by this agency no later than January 28, 2007.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

If you have any questions concerning this letter or the regulations, please call me at (419) 373-3137.

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/csl

*Enclosure*

pc: Lisa Holscher, U.S. EPA Region V  
Tom Kalman, DAPC - CO  
Don Waltermeyer, DAPC - NWDO  
Tom Sattler, DAPC - NWDO  
Joe Grob, DAPC - NWDO  
Thomas C. Cikotte, DAPC - NWDO ;