State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
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: Allen County
Open Burning Complaint

Notice of Violation

July 27, 2009

CERTIFIED MAIL

Chris and Jaime Bardo
3780 Shawnee Road
Lima, Ohio 45806

Dear Mr. & Mrs. Bardo:

This office received a complaint on July 22, 2009, concerning open burning being conducted on your property and I investigated the complaint on July 23, 2009. My investigation shows that construction and demolition debris from remodeling projects, cardboard and paper products were burned for disposal purposes and this was done within 1000 feet of adjacent residences.

Based on my findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This is a violation of OAC rule 3745-19-03(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review.

Please submit a written response to Ohio EPA, Northwest District Office indicating your understanding of the regulations and your commitment that no future illegal open burning will occur. Your response should be received by this agency no later than August 12, 2009.

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 feel free to call me at (419) 373-3137 or e-mail at thomas.cikotte@epa.state.oh.us.
Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

/llr

Enclosure

pc: Allen County Health Department
Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC-CO
Don Waltermeyer, DAPC-NWDO
Tom Sattler, DAPC-NWDO
Thomas C. Cikotte, DAPC-NWDO
Certified Receipt Number 7009 1680 0002 4297 0755

OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Allen	7.22.09	7.23.09

TYPE		AIR		
TELEPHONE	X	INDUSTRIAL		HPF
VISIT		PARTICULATE		
LETTER		ODOR		
DCN		FUGITIVE DUST		
E-MAIL		OPEN BURNING	X	
OTHER		OTHER		

COMPLAINANT: Sharron Brenneman – 419.234.3237

SUSPECTED SOURCE OF EMISSIONS:

Chris & Jaime Bardo
3780 Shawnee Rd.
Lima, OH 45806
567.242.3405

Property Owner:
Frederick F. Reed
2041 Shawnee Rd.
Lima, OH 45805
Cell: 419.234.5567
Home: 419.991.6938

STATEMENT OF COMPLAINANT: Complainant says her neighbor has big bonfires where he burns C&D debris, furniture, plastic and all kinds of stuff every couple days. She said the fires are much larger than the 3' x 2' fires allowed and he is within 1000 feet of neighboring houses. She stated that he works for some kind of a contracting company and he brings trailers in full of stuff to burn. She also stated that she has "before and during" pictures she could send to us.

STATEMENT OF SOURCE OPERATOR:
Upon arrival Jaime Bardo told me that she was not surprised to see me, as the Chief of the Shawnee Twp FireDepartment (STFD) was out the day before and inspected the site. The chief said the fire was a little large but the material they were burning was fine. He was ok with the situation and said that if they were going to have any fires that they should call the STFD and inform them, that way any complaints could be refuted and no investigation would be necessary. I advised Chris Bardo to clean up the pit, remove some of the ash and make the fire ring smaller, to comply with the 3' diameter limit.

Chris Bardo works for the property owner, Fred Reed, helping maintain the multiple properties Mr. Reed owns. Occasionally, when remodeling, wood items ("trim, furniture, paneling, stuff like that", per Reed) were brought to the house at 3780 Shawnee Rd. Bardo would burn such items along with any paper and cardboard he had for Reed, per his instruction. Reed concurred with this when asked and thought that as long as it was wood material that is was ok.

FINDINGS: JUSTIFIED X **NOT JUSTIFIED** _____ **CANNOT BE DETERMINED**

RECOMMENDATIONS: NOV, both tenant and property owner
DATE OF WRITTEN FOLLOW UP 7.24.09

CORRECTIVE ACTION AGREED TO BY SOURCE: Both the tenant (Bardo) and the property owner (Reed) agreed to stop burning.

COMMENTS: The fire ring was larger than allowed (5-6') and there were a few pieces of plastic from packaging of laminate flooring in the burn pile. Also there were some laminate wood floor scrap pieces in plastic bags, partially burned, in the pile. Most of the other material in the pile was cardboard and paper, however, there was evidence of C&D being burned there (lots of nails). Also, there was another pile of material that was there to be disposed of which contained trim, dimensional limber, painted cabinets, furniture and brush.

INVESTIGATOR(S): TCC **DATE RESOLVED:**