

Re: Ashland County  
Open Burning Complaint

**Notice of Violation**

November 17, 2008

CERTIFIED MAIL

Mr. Christopher Simons  
207 Township Road 581  
Sullivan, Ohio 44880

Dear Mr. Simons:

On October 30, 2008, this office received a complaint concerning you open burning parts of a burned out house on property you own at 80 County Road 281, Sullivan, Ohio. The complaint was investigated by me on November 4, 2008. While you were not present at the time of the investigation, I did find a 10 ft. x 10 ft. pile of ash with insulation, paint cans, glass and trash mixed within the pile. Please be aware that burning for disposal within 1000 ft. of an inhabited building that is not on your property is prohibited in the State of Ohio.

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 3745-19-04(A): "No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (C) of this rule or in section 3704.11 of the revised code." Open burning as conducted at 80 C.R. 281, Sullivan, Ohio, is not provided for in these rules. 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 December 1, 2008.

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.

Mr. Christopher Simons

November 17, 2008

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If you have any questions concerning this letter or the regulations, please call me at (419) 373-3120 or e-mail at [joe.grob@epa.state.oh.us](mailto:joe.grob@epa.state.oh.us).

Sincerely,

Joseph L. Grob  
Environmental Specialist III  
Division of Air Pollution Control

/llr

*Enclosure*

pc: Lisa Holscher, U.S. EPA Region V  
Tom Kalman, DAPC - CO  
Don Waltermeyer, DAPC - NWDO  
Tom Sattler, DAPC - NWDO  
Ashland County Health Department  
ec: Joe Grob

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Ashland	10-30-08	11-14-08
<b>TYPE</b>	<b>AIR</b>		<b>COMPLAINANT: (NAME, ADDRESS, PHONE #)</b>
TELEPHONE <input checked="" type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	HPF	Jim Zarifis 419-736-2543
VISIT <input type="checkbox"/>	PARTICULATE <input type="checkbox"/>		88 CR 281
LETTER <input type="checkbox"/>	ODOR <input type="checkbox"/>		Sullivan, Ohio
DCN <input type="checkbox"/>	FUGITIVE DUST <input type="checkbox"/>		ANONYMOUS: <input type="checkbox"/> IF YES THIS BOX SHOULD BE LEFT BLANK
E-MAIL <input type="checkbox"/>	OPEN BURNING <input checked="" type="checkbox"/>		<b>SUSPECTED SOURCE OF EMISSIONS:</b>
OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>		Christopher Simons 440-371-7698
			207 Twp. Rd. 581
			Sullivan, Oh. 44880

**STATEMENT OF COMPLAINANT:** Owns property between 70 and 88 CR 281. Has a partially burned down house that he is finishing burning piece by piece. Had a large fire the other night around 11 PM. 25 ft. flames and lots of smoke. HE WILL CALL BACK WITH LAST NAME AND MAILING ADDRESS FOR CHRIS AS CHRIS DOES NOT LIVE THERE. ADDRESS IS 80 C.R. 281 WHERE BURNING IS HAPPENNING. COUNTY AUDITOR WEB SITE SAYS SIMONS IS THE OWNER.

**STATEMENT OF SOURCE OPERATOR:**

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

Insulation, paint cans (15) glass, trash 10 ft. x 10 ft. pile of burned stuff. Within 1000 ft. / unrestricted area  
Doesn't appear to be burning the entire house little by little.

**RECOMMENDATIONS:** DATE OF WRITTEN FOLLOW UP: 11-17-08

NOV wp 11-13

**CORRECTIVE ACTION AGREED TO BY SOURCE:**

**COMMENTS:**

INVESTIGATOR(S): ig

DATE RESOLVED: 11-17-08