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.

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.

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

TYPE

TELEPHONE x
VISIT __
LETTER __
DCN __
E-MAIL __
OTHER __

AIR

INDUSTRIAL __
PARTICULATE __
ODOR __
FUGITIVE DUST __
OPEN BURNING x
OTHER

HPF

COMPLAINANT: (NAME, ADDRESS, PHONE #)
Jim Zarifis 419-736-2543
88 CR 281
Sullivan, Ohio
ANONYMOUS: __ IF YES THIS BOX SHOULD BE LEFT BLANK

SUSPECTED SOURCE OF EMISSIONS:

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 x 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): jg DATE RESOLVED: 11-17-08