Re: Allen County
Open Burning Complaint

Notice of Violation

December 4, 2009

CERTIFIED MAIL

Norbert & Sondra Ebbeskotte
Property owners
6498 Lehman Rd.
Delphos, Ohio 45833

Dear Mr. & Mrs. Ebbeskotte:

This office received a complaint on December 1, 2009, concerning open burning being conducted on your property. Ms. Wendy Licht and I investigated the complaint on December 2, 2009. Our investigation shows that a shallow pit was excavated and was used to burn the following: a demolished chicken coup, plastic containers, plastic drain tile, plastic tubing, cardboard, metal roofing, empty used oil containers and the metal remnants of 20" box fan.

Based on our 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). 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 23, 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, I can be reached by calling (419) 373-3137 or via e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

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Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Thomas C. Cikotte, DAPC – NWDO
Allen County Health Dept.

ec: Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Wendy Licht, DAPC - NWDO

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OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Allen	12.1.09	12.2.09

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

COMPLAINANT:
William Courtney
10536 Elida Rd.
Delphos, OH 45833
419.692.2713

SUSPECTED SOURCE OF EMISSIONS:

Norbert Ebbeskotte
6498 Lehman Rd.
Delphos, OH 45833
419.692.5241

STATEMENT OF COMPLAINANT: Mr. Courtney says that his wife has very bad allergies and that the neighbors and he have all talked about this gentleman burning. He went to the township trustees who directed him to the FD, who directed him to Ohio EPA. He's asking that we look into the matter. He states that this gentleman burns at least once a week, if not every other day. When he burns, sometimes there is a black smoke that comes off the fire that is so thick that he can't see the guy's house. Mr. Courtney lives SW of the burn site and it all blows directly at him. Not only does it smell horrible and bug him but it makes it hard for his wife to breathe some times. Also, he lets the fires burn and smolder and sometimes it smolders for hours. Sometimes the fires themselves last for 3-4 hours. If they were short, little fires he wouldn't care but these are a real problem. **Pile is located NE of Mr. Ebbeskotte's house.**

STATEMENT OF SOURCE OPERATOR: States that he called the Local FD, asked if he could burn an old "booter coup" (chick hatching house), told them he was burning the building and they said it was ok and that he should probably dig a hole and burn it in the hole. He thought that they were ok in doing that because they were out in the country and the FD told them that they could. He was very apologetic and said that is won't happen again.

FINDINGS: JUSTIFIED X NOT JUSTIFIED _____ CANNOT BE DETERMINED

RECOMMENDATIONS: NOV **DATE OF WRITTEN FOLLOW UP** 12.4.09

CORRECTIVE ACTION AGREED TO BY SOURCE: No more burning unless it's 1000 feet from adjacent properties and only wood.

COMMENTS: Pile is located NE of Mr. Ebbeskotte's house.

Observed a shallow pit, approx 3' d x 8' w, excavated with a small front end loader, which contained ash, plastic containers, plastic drain tile, plastic tubing, cardboard, metal roofing, empty used oil containers and the metal remnants of 20" box fan.

While I'm sure that Mr. Ebbbeskotte did call and ask for permission to burn, I'm sure he didn't tell them that he was planning on burning all the junk in the building he was burning. When I spoke with the Delphos Fire Chief he admitted that one of hs guys did tell Mr. Ebbeskotte that he could burn the old building but he thought it was only a wood building. The Chief said he would not OK'd the burning of the plastics and the waste. I issued a verbal warning to the Delphos Fire Chief, and told him that next time they would receive a NOV for causing or allowing such a fire.

INVESTIGATOR(S): TCC & WL **DATE RESOLVED:** 12.4.09