



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.ohio.gov

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

Re: Crawford & Seneca County
Open Burning Complaint

Notice of Violation (NOV)

April 13, 2010

CERTIFIED MAIL

Mr. Al Brice
Resident & Operator
2939 Knauss Road
Bucyrus, Ohio 44820

Dear Mr. Brice:

The intent of this letter is to address two separate incidents concerning illegal open burning and their relation to both your demolition company and your residence/company's address. This office received a complaint on March 31, 2010 concerning open burning being conducted at 2939 Knauss Rd. in Bucyrus, Ohio. I investigated the complaint on April 6, 2010. My investigation showed that several burn sites currently exist on this property.

Behind a barn I observed, at a minimum, three active burn barrels (three 55 gallon drums). There were also two larger metal tanks tipped upside down where I could not determine if burning occurred. The 55 gallon drums all contained remnants from the burning of household trash with plastics (metal cans, pieces of aluminum foil, plastic bar and chain oil containers, etc.). Immediately to the left of the barrels was a pile of melted plastic pieces which, from my experience, is consistent with the remnants of a plastic barrel or 5 gallon pails that had been burned. Just left of that was a burn site approximately 4' in diameter which contained the remnants of salvaged wood that was burned for disposal. To the right of the barrels were several piles/bundles of copper wire, one of which had been burned, assumingly, to remove the plastic coating and improve scrap value. These burn sites are all within 1000' of an adjacent residence in an "unrestricted area".

While in route to the above location, heading southbound on State Route 4, I observed a large fire on the property at 12905 East County Road 58, Bloomville, Ohio, owned by Mark & Catherine Boedeker. I stopped to investigate the matter and was told by one of the workers there that you were the project manager but were not on site. One of the barns on the property was in the process of being demolished and salvaged. Waste wood and straw were being burned for disposal purposes on the property by your employees. This burn site is also within 1000' of an adjacent residence in an "unrestricted area".

The circumstances pertaining to this incident are nearly identical to those identified in a complaint filed against you on July 17, 2009 regarding the burning of waste wood from barn salvage operations adjacent to 6504 North State Route 18 in Clyde, OH. At that time you were sent a NOV and a copy of Ohio's open burning rules, to which you responded, in writing, that there would be no more burning. In our conversations regarding that incident, it was explained that the practice of burning waste materials at your sites, anywhere in Ohio, constitutes a violation of these rules and you acknowledged you understood.

Based on my findings, there is sufficient evidence to determine that multiple instances of illegal open burning did occur and the complaint is justified. These are violations of Ohio Administrative Code (OAC) rule 3745-19-04(A).

Mr. Al Brice
April 13, 2010
Page Two

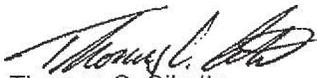
A copy of the OAC rules pertaining to open burning has again been enclosed for your review. It should be noted that, while you have provided this address as your mailing address in the past, the property is registered in the name of a Ms. Bonita Crowell. She will also be sent a Notice of Violation (NOV) because, as the property owner, she may be ultimately be held legally liable for current and future violations at this location.

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. In the response, also include the name, mailing address and valid phone number for each of the people working on your behalf or under the control of you or any subcontractors at the job site located at 12905 East County Road 58, in Bloomville, Ohio on April 6, 2010. Your response should be received by this agency no later than April 28, 2010.

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. These matters will be referred to our Legal Section.

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

/lb

Enclosure

pc: Thomas C. Cikotte, DAPC -- NWDO
Crawford County Health Dept.
Seneca County Health Dept.
7006 0100 0004 1318 4016

ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO



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

Re: Seneca County
Open Burning Complaint

Notice of Violation

July 24, 2009

CERTIFIED MAIL

Mr. Al Brice
2939 Knauss Road
Bucyrus, Ohio 44820

Dear Mr. Brice:

This office received a complaint on July 17, 2009, concerning open burning being conducted by you and your company on an unaddressed parcel adjacent to 6504 North State Route 18 in Clyde, Ohio. Ms. Wendy Licht and I investigated the complaint on July 20, 2009. Our investigation shows two areas were excavated and at least one of them was used as a burn site to burn straw, demolition debris, trash and a tractor tire.

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.

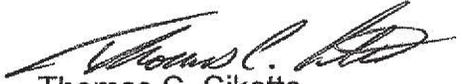
Please submit a written response to Ohio EPA, Northwest District Office indicating your understanding of the regulations and your commitment that no future illegal open burning will occur. Your response should be received by this agency no later than August 7, 2009.

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.

Mr. Al Brice
July 24, 2009
Page 2

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

/lr

Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC-CO
Don Waltermeyer, DAPC-NWDO
Tom Sattler, DAPC-NWDO
Thomas C. Cikotte, DAPC-NWDO
Seneca County Health Department
Certified Receipt Number 7009 1680 0002 4297 1028

ec: Wendy Licht, DAPC-NWDO

Re: Crawford & Seneca County
Open Burning Complaint

Notice of Violation (NOV)

April 13, 2010

CERTIFIED MAIL

Al Brice
Resident & Operator
2939 Knauss Rd.
Bucyrus, Ohio 44820

Dear Mr. Brice:

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Behind a barn I observed, at a minimum, three active burn barrels (three 55 gallon drums). There were also two larger metal tanks tipped upside down where I could not determine if burning occurred. The 55 gallon drums all contained remnants from the burning of household trash with plastics (metal cans, pieces of aluminum foil, plastic bar and chain oil containers, etc.). Immediately to the left of the barrels was a pile of melted plastic pieces which, from my experience, is consistent with the remnants of a plastic barrel or 5 gallon pails that had been burned. Just left of that was a burn site approximately 4' in diameter which contained the remnants of salvaged wood that was burned for disposal. To the right of the barrels were several piles/bundles of copper wire, one of which had been burned, assumingly, to remove the plastic coating and improve scrap value. These burn sites are all within 1000' of an adjacent residence in an "unrestricted area".

While in route to the above location, heading southbound on State Route 4, I observed a large fire on the property at 12905 East County Road 58, Bloomville, Ohio, owned by Mark & Catherine Boedeker. I stopped to investigate the matter and was told by one of the workers there that you were the project manager but were not on site. One of the barns on the property was in the process of being demolished and salvaged. Waste wood and straw were being burned for disposal purposes on the property by your employees. This burn site is also within 1000' of an adjacent residence in an "unrestricted area".

The circumstances pertaining to this incident are nearly identical to those identified in a complaint filed against you on July 17, 2009 regarding the burning of waste wood from barn salvage operations adjacent to 6504 North State Route 18 in Clyde, OH. At that time you were sent a NOV and a copy of Ohio's open burning rules, to which you responded, in writing, that

there would be no more burning. In our conversations regarding that incident, it was explained that the practice of burning waste materials at your sites, anywhere in Ohio, constitutes a violation of these rules and you acknowledged you understood.

Based on my findings, there is sufficient evidence to determine that multiple instances of illegal open burning did occur and the complaint is justified. These are violations of Ohio Administrative Code (OAC) rule 3745-19-04(A). A copy of the OAC rules pertaining to open burning has again been enclosed for your review. It should be noted that, while you have provided this address as your mailing address in the past, the property is registered in the name of a Ms. Bonita Crowell. She will also be sent a Notice of Violation (NOV) because, as the property owner, she may be ultimately be held legally liable for current and future violations at this location.

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Sincerely,

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Division of Air Pollution Control

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pc: Thomas C. Cikotte, DAPC – NWDO
Crawford County Health Dept.
Seneca County Health Dept.
ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO

Re: Seneca County
Open Burning Complaint

Notice of Violation

July 22, 2009

CERTIFIED MAIL

Al Brice
2939 Knauss Rd.
Bucyrus, Ohio 44820

Dear Mr. Brice:

This office received a complaint on July 17, 2009, concerning open burning being conducted by you and your company on an unaddressed parcel adjacent to 6504 North State Route 18 in Clyde, OH. Ms. Wendy Licht and I investigated the complaint on July 20, 2009. Our investigation shows two areas were excavated and at least one of them was used as a burn site to burn straw, demolition debris, trash and a tractor tire.

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 August 7, 2009.

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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

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Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO
Seneca County Health Dept.
Ec: Wendy Licht, DAPC - NWDO

HOLD HARMLESS AGREEMENT

This agreement date MARCH 6, 2010 between Al Brice residing at 2939 Knauss Rd., Bucyrus, Ohio 44820 and Catherine Boedeker residing at 12905 E. CR 58 Bloomville, OH 44818 (hereinafter referred to as "the homeowner").

The parties agree as follows:

1. The Homeowner hereby authorizes Brice to remove the barn located at

SAME

2. The Homeowner warrants and acknowledges that the above mentioned barn is located on his property. No one else has any title, claim, or interest in the property on which the barn rests or in the barn itself or any property located in the barn. The Homeowner warrants that he is empowered to enter into this agreement.

3. The Homeowner agrees to indemnify Brice and hold him harmless from any claims by anyone claiming title or interest in the barn, land, or personal property located in the barn.

4. Brice will remove the barn from the above mentioned property by dismantling the barn and removing the barn construction materials. burying stones, leaving concrete slab flat area where burying is done.

5. Homeowner will not interfere in any way with the dismantling and removal of the barn and its components.

6. Brice agrees to indemnify and hold Homeowner harmless for any injury to himself or any helpers Brice brings to the property location as a result of the dismantling and removal of the barn.

7. Homeowner agrees to keep the property surrounding the barn free of debris and personal property before and during the barn dismantling and removal.

8. A total sum of \$ _____ is required to complete the job.
\$ _____ deposit, \$ _____ balance on completion.

9. Brice agrees to pay \$ 1500 - for barn and contents.

10. Owner of property is responsible for all permits required for removal of barn/building.

11. Once the dismantling and removal begins, Brice is to have sole ownership and control of the barn, its components, and any personal property located in the barn, and Homeowner gives, conveys, and transfers to Brice the ownership of those terms.

WILL START NO LATER THAN APRIL 6/10

Al Brice

Catherine Boedeker

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Seneca	7.17.09	7.20.09
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT:
TELEPHONE <u>X</u>	INDUSTRIAL <u> </u>	HPF	Diane Magyar 6504 N. SR 18 Clyde, OH 43410 H: 419.483.4926 C: 419.307.0227
VISIT <u> </u>	PARTICULATE <u> </u>		SUSPECTED SOURCE OF EMISSIONS: Property N/NW of 6504 North State Route 18 Clyde, OH Actually in Thompson Twp. Contractor: Al Brice, 2939 Knauss Rd., Bucyrus, OH 44820, 419.483.2508 <u>Property owner:</u> Susan Good, 14107 E. Thompson Twp Rd. 178, Clyde, OH 43410 419.563.9166
LETTER <u> </u>	ODOR <u> </u>		
DCN <u> </u>	FUGITIVE DUST <u> </u>		
E-MAIL <u> </u>	OPEN BURNING <u>X</u>		
OTHER <u> </u>	OTHER <u> </u>		
STATEMENT OF COMPLAINANT: Complainant claims that a professional demolition crew is demolishing and burning structures on the property in question. She's not sure what name of the company is but believes they're out of Bucyrus, OH. She states that they're burning the demo'd material from the barns and all the stuff in them, including, at least, two agricultural sized tires. She states that they're saving some of the barn wood (timbers) and burning what they don't want. She states that they started the demo on July 7 th and have been burning daily ever since. She's trying to buy the property and is concerned that they're burning near a well and that they may contaminate the well.			
Complainant stated that Bellevue FD responded on 7.17.09 and attempted to extinguish fire but it continued to smolder throughout the weekend.			
STATEMENT OF SOURCE OPERATOR: Ms. Good was not aware of the situation. She states that her son, Brad (419.483.0608), has been more involved with this project and she was not aware there was an issue. After being informed over the phone, after the inspection had occurred, she stated that she would contact her son, make sure he was aware that no more burning was to occur and she would also make sure the contractor would not burn.			
Contractor was instructed not to bury any material w/o approval from Tyler Madeker, of DSIWM, per Tyler's instruction. Also, he was made to remove a fire from an excavated hole. Contractor said no more material would be burned.			
FINDINGS: JUSTIFIED <u> X </u> NOT JUSTIFIED <u> </u> CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV property owner, NOV contractor DATE OF WRITTEN FOLLOW UP: 7.22.09			
CORRECTIVE ACTION AGREED TO BY SOURCE: Both property owner and contractor agreed to stop burning.			

COMMENTS: Joe said he spoke with this complainant yesterday and that he believed that she was more concerned about well contamination of property that she's trying to buy than the burning aspect of the complaint.

Contractor was told that he was not allowed to burn any more material at the location he had previously burned, because he was within 1000 ft of the residence at 6504 N SR 18, which is a separate parcel. He agreed and stated that no more burning would occur.

Property owner was called later that day and informed of the situation. She stated that she would make sure that no more burning occurred. I explained that she may be held liable, as the property owner.

INVESTIGATOR(S): TCC

DATE RESOLVED: 7.22.09

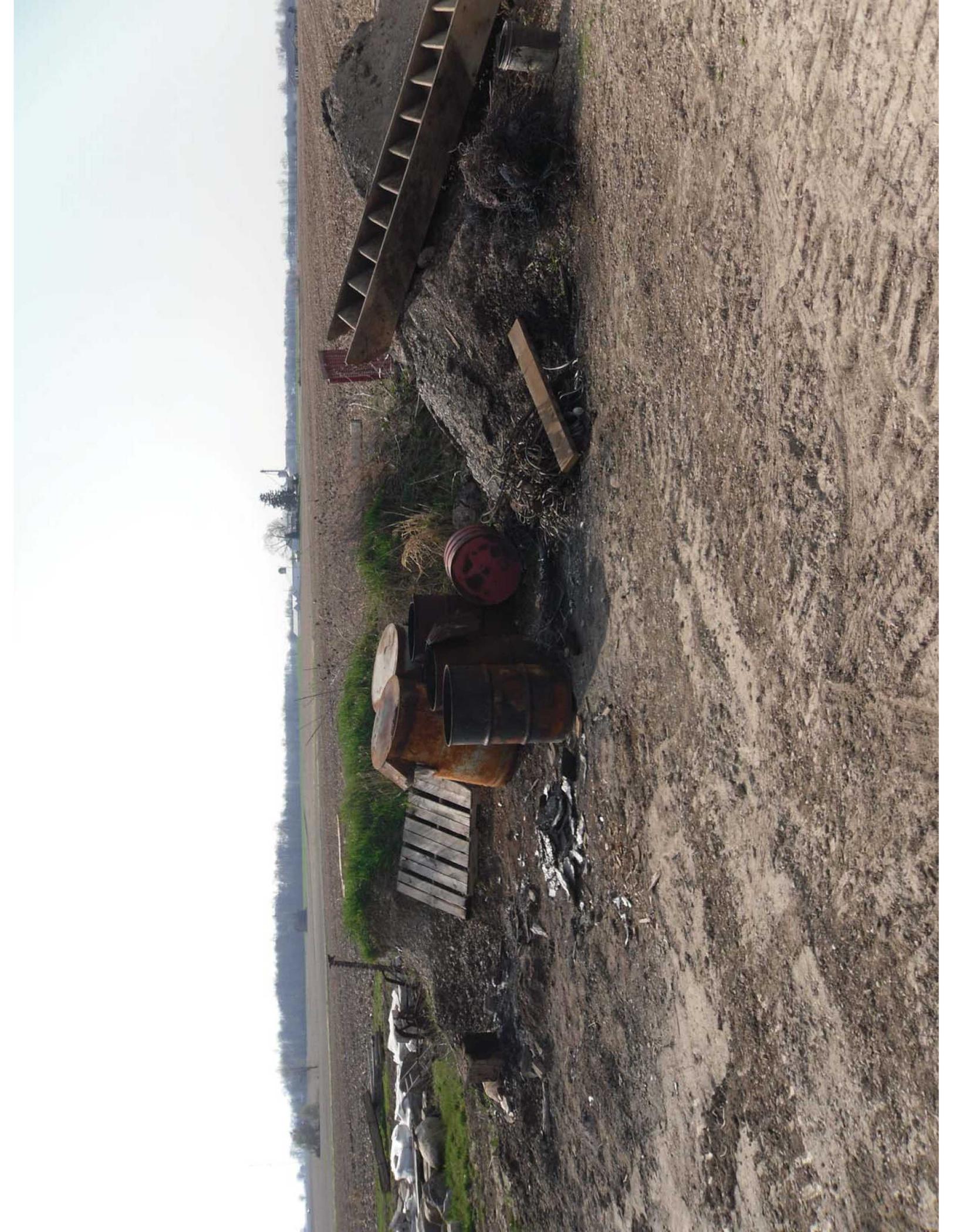
**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Seneca	3.31.10	4.6.10
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT: Anonymous
TELEPHONE <u>X</u>	INDUSTRIAL <u> </u>	HPF	SUSPECTED SOURCE OF EMISSIONS: Al Brice 2939 Knauss Rd. Bucyrus, OH 44820 419.563.9166 Property Owner: Ms. Bonita Crowell 2939 Knauss Rd. Bucyrus, OH 44820
VISIT <u> </u>	PARTICULATE <u> </u>		
LETTER <u> </u>	ODOR <u> </u>		
DCN <u> </u>	FUGITIVE DUST <u> </u>		
E-MAIL <u> </u>	OPEN BURNING <u>X</u>		
OTHER <u> </u>	OTHER <u> </u>		
STATEMENT OF COMPLAINANT: left on my voice mail on 3.31.10, while I was in the field. "I'm calling about 2939 Knauss Rd. in Bucyrus, OH. I think there is some illegal open dumping and illegal open burning that is going on there. I think someone should look into it. Thanks."			
STATEMENT OF SOURCE OPERATOR: None. No one home at time of inspection.			
FINDINGS: JUSTIFIED <u> X</u> NOT JUSTIFIED <u> </u> CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV, EAR		DATE OF WRITTEN FOLLOW UP: 4.8.10	
CORRECTIVE ACTION AGREED TO BY SOURCE: Mr. Brice was found in violation of OB in July 2009. At that time he verbally committed to not burning anymore.			
COMMENTS: If memory is correct, this is the mailing address for Al Brice.			
While in route to this complaint I observed a fire being conducted by Al Brice's demolition crew. See the complaint for Mark & Catherine Boedeker.			
This is the property of Al Brice, as provided by Mr. Brice in a similar complaint regarding Mr. Brice conducting a similar burn on behalf of Susan Good, outside Bellevue, Ohio. Mr. Brice was sent a NOV and a copy of the rules at that time. He responded in writing and committed to "no more burning".			
While on site I observed one area with several burn sites. Behind a barn I observed five burn barrels (three 55 gal and two larger metal tanks with an end cut off and tipped upside down). The right side up barrels all contained evidence of household trash with plastics being burned as well as metal cans, aluminum foil and bar and chain oil containers. Immediately to the left of the barrels was a pile of melted plastic pieces. From my experience it was consistent with a melted plastic barrel or melted 5 gal pails that had pooled in a puddle when being burned. Farther to the left of the barrels was burn site approximately 4' in diameter where evidence of ends of salvaged wood was burned for disposal. To the right of the barrels were several piles/bundles of copper wire. One pile of wire had been burned, assumingly to remove the coating and improve scrap value.			
The remainder of the yard was used for the storage of salvaged materials. Organized piles of lumber and stone were sorted, stacked and, in some case bundled, for sale and shipment.			

INVESTIGATOR(S): TCC

DATE RESOLVED: 4.8.10









AL BRICE
BUCYRUS, OH
VIN# F60ACR83932
USDOT# 1936029















2939





