

Re: Defiance County
Open Burning Complaint

Notice of Violation

May 20, 2010

CERTIFIED MAIL

Okie P. Davis
Property owner
19971 State Route 637
Oakwood, Ohio 45873

Dear Ms. Davis:

This office received a complaint on May 17, 2010, concerning open burning being conducted on property you own at 14978 Dohoney Rd. in Defiance, Ohio, and rent to a Ms. Jamie Mann. Ms. Alyse Johnson and I investigated the complaint on May 19, 2010. Our investigation shows the following materials were burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: household trash with plastics, glass, metal cans, brush and what appeared to be an inflatable air mattress.

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 because you, as the property owner, may ultimately be held liable for current and future violations. It is your responsibility to ensure that future violations do not occur on your property.

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 June 7, 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. 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: Thomas C. Cikotte, DAPC – NWDO
Definace County Health Dept.
ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Alyse Johnson, DAPC - NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Defiance	5.17.10	5.19.10
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT:
TELEPHONE <u>X</u>	INDUSTRIAL ___	HPF	Jack E. Landskroener 26021 Bowman Rd. Defiance, OH 43512 419.395.2391
VISIT ___	PARTICULATE ___		
LETTER ___	ODOR ___		SUSPECTED SOURCE OF EMISSIONS:
DCN ___	FUGITIVE DUST ___		
E-MAIL ___	OPEN BURNING <u>X</u>		
OTHER ___	OTHER		Ms. Jamie Mann (renter) 14978 Dohoney Rd. Defiance, OH 43512
			Property owner: Okie P. Davis 19971 State Route 637 Oakwood, OH 45873 (419) 393-2770
			NW corner of the intersection of Bowman & Dohoney Rd. Burn site S. of garage
STATEMENT OF COMPLAINANT: Neighbor burns his trash. They've been burning a lot of plastic lately and it stinks.			
STATEMENT OF SOURCE OPERATOR: Spoke with the tenant, Ms. Jamie Mann. Ms. Mann acknowledged that she burns but thought she was allowed to out in the country. She feels as though she is being picked on, stating "Everyone else in the damn neighborhood can burn but not me!? Sure, pick on the poor person." She was explained the rules and assured that her economic status had no bearing on EPA's investigation. She was also told that she had every right to file complaints against others in the area.			
FINDINGS: JUSTIFIED <u>X</u> NOT JUSTIFIED ___ CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV		DATE OF WRITTEN FOLLOW UP ___ 5.20.10	
CORRECTIVE ACTION AGREED TO BY SOURCE: None at that time. Ms. Mann was visibly upset at the situation and I didn't want to push the issue.			
COMMENTS: Observed a burn pile approx 7' in diameter containing household trash with plastics, glass, metal cans, brush and what appeared to be an inflatable air mattress.			
Ms. Mann was frustrated at the situation and I explained that there would not be a fine but she needed to quit burning.			

INVESTIGATOR(S): TCC & AJ

DATE RESOLVED: 5.20.10



