



Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Ashland County
Open Burning Complaint
Notice of Violation

May 31, 2011

CERTIFIED MAIL

Mr. David Harpster
DDD Real Estate Ltd.
341 U.S. Route 250
Jeromesville, Ohio 44840

Dear Mr. Harpster:

This office received a complaint on May 20, 2011, concerning open burning being conducted on property which your company is the registered owner of. The property in question is west of the intersection of C-251 and C-1302 (Ashland County parcel number K320160000800). My investigation, conducted on May 24, 2011, shows the burn site is approximately 170 yards west of that intersection, 25' north of the road, is approximately 20' x 40' and is in an unrestricted area. At that site the following materials were burned for disposal purposes: carpet, 2 TVs, brush, an animal carcass (possibly a deer), hydraulic hoses, household trash with plastics, 3 mattresses, steel cans, aluminum cans, aerosol cans, glass bottles, wire, automotive parts, mulch, upholstered furniture, PVC pipe, speakers and 4-5 tires. There was also an unburned broadcast spreader and two unburned tires in the burn site.

Based on these 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.

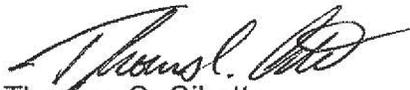
Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than June 10, 2011.

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. David Harpster
May 31, 2011
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: Ashland County Health Department
Certified Mail Receipt Number 7009 1410 0001 1840 2710
Thomas C. Cikotte, DAPC-NWDO

ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC-CO
Tom Sattler, DAPC-NWDO
Thomas C. Cikotte, DAPC-NWDO

Re: Ashland County
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Division of Air Pollution Control

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pc: Ashland County Health Dept.
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ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Ashland	5.20.11	5.24.11
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT: 419.651.8988 – No name left
TELEPHONE <u>X</u>	INDUSTRIAL ___	HPF	SUSPECTED SOURCE OF EMISSIONS: NW corner of Intersection of CR 1302 & TR 251 David Harpster DDD Real Estate Ltd. 341 US Rt 250 Jeromesville, OH 44840 419.869.7908 419.869.7161
VISIT ___	PARTICULATE ___		
LETTER ___	ODOR ___		
DCN ___	FUGITIVE DUST ___		
E-MAIL ___	OPEN BURNING <u>X</u>		
OTHER ___	OTHER		
STATEMENT OF COMPLAINANT: Not sure who drops it off or who is burning it but caller has seen the smoke and the pile of junk is unsightly. Burning mattresses and box springs often and they just keep putting stuff there. Caller would like someone from Ohio EPA to look into it.			
STATEMENT OF SOURCE OPERATOR: Mr. Harpster said that they do burn there but it's usually feed bags from the cows across the street, old straw or brush. He said that they have burned their trash there as well but most of the stuff like furniture and tires and stuff like that is dumped there by unknown people. He said that other people see their pile and dump their stuff there but he burns it because he doesn't want to pay to have other people's stuff hauled to the dump.			
FINDINGS: JUSTIFIED <u>X</u> NOT JUSTIFIED ___ CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV		DATE OF WRITTEN FOLLOW UP <u>5.26.11</u>	
CORRECTIVE ACTION AGREED TO BY SOURCE: No more burning of improper materials; will post signs about no dumping.			
COMMENTS: Auditor unable to identify given lack of address/owner. Transferred to tax maps dept. DDD Real Estate Ltd. (since 1997) Ashland County parcel number K320160000800 Burn site approx. 170 yds west of TR 251 on north side CR 1302, about 25' off the road. Burn site is approximately 20' x 40' and contains evidence of the following: carpet, 2 TVs, brush, an animal carcass (deer?), hydraulic hoses, household trash with plastics, a broadcast spreader, 3 mattresses, steel cans, aluminum cans, aerosol cans, glass bottles, wire, automotive parts, mulch, upholstered furniture, PVC pipe, speakers, 4-5 tires and 2 unburned tires, Mr. Harpster asked what he should do with the stuff that people dump and I told him I couldn't tell him what he should do but he should NOT burn it. Also advised that he move the pile so as not to "advertise" a dump site to passers by.			

INVESTIGATOR(S): TCC

DATE RESOLVED: 5.26.10







