



Environmental  
Protection Agency

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

Re: Allen County  
Open Burning Complaint  
**Notice of Violation**

August 15, 2011

CERTIFIED MAIL

Douglas P. Fay  
Douglas P. Fay Construction, Inc. & DPF Leasing, LLC.  
2280 Baty Road  
Elida, Ohio 45807

Dear Mr. Fay:

This office received a complaint on August 1, 2011, concerning open burning being conducted on your property. My investigation, conducted on August 3, 2011, shows old pallets, old railroad ties, brush and at least one tire were burned for disposal purposes on property owned by you, or one of your subsidiary businesses, at 825 North Kemp Road in Eldia, Ohio. This was done within 1000' of adjacent inhabited structures in an unrestricted area.

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 August 31, 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.

Douglas P. Fay  
August 15, 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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/lr

Enclosure

pc: Allen County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1840 9665

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

Re: Allen County  
Open Burning Complaint  
**Notice of Violation**

August 11, 2011

**CERTIFIED MAIL**

Douglas P. Fay  
Douglas P. Fay Construction, Inc. & DPF Leasing, LLC.  
2280 Baty Rd.  
Elida, Ohio 45807

Dear Mr. Fay:

This office received a complaint on August 1, 2011, concerning open burning being conducted on your property. My investigation, conducted on August 3, 2011, shows old pallets, old railroad ties, brush and at least one tire were burned for disposal purposes on property owned by you, or one of your subsidiary businesses, at 825 North Kemp Rd. in Eldia, Ohio. This was done within 1000' of adjacent inhabited structures in an unrestricted area.

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 August 26, 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.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,

Thomas C. Cikotte  
Division of Air Pollution Control

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***Enclosure***

pc: Allen County Health Dept.  
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

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Allen	8.2.11	8.3.11
<b>TYPE</b>	<b>AIR</b>		<b>COMPLAINANT:</b>
TELEPHONE <u>X</u>	INDUSTRIAL <u>   </u>	HPF	<b>Rick Hassinger – SIU</b> <b>Brian Nartker – Allen Co. HD</b>
VISIT <u>   </u>	PARTICULATE <u>   </u>		<b>SUSPECTED SOURCE OF EMISSIONS:</b>
LETTER <u>   </u>	ODOR <u>   </u>		
DCN <u>   </u>	FUGITIVE DUST <u>   </u>		
E-MAIL <u>X</u>	OPEN BURNING <u>X</u>		
OTHER <u>   </u>	OTHER <u>   </u>		
			<b>Burn Site:</b> 825 N. Kemp Rd. Lima, OH 45807
			<b>Property Owner:</b> DPF Leasing, LLC. 2280 Baty Rd. Elida, Ohio 45807 419.224.9998
			<b>At same address: Douglas P. Fay Construction, Inc.</b>

**STATEMENT OF COMPLAINANT: from Hassinger on 8.2.11:** I got a call from the Allen County Health Department concerning an open burning incident at 825 N. Kemp Road. The offending party is Douglas P. Fay. The materials were pallets, railroad ties, and miscellaneous debris. I don't have any pending activities down there and I don't want to step on your toes. Thanks, Rick

**From Nartker:** Yes, this is the complaint I called you about. I stopped there yesterday, August 1, 2011, and talked to two workers. They stated that they were burning pallets and railroad ties, per the instruction of their boss. I also observed yard waste on the property near the fire. I told them that burning these wastes was prohibited and that they needed to stop the fire that was going. Attached is a picture of that fire that I took.

I went by the property today, August 2, 2011, and again observed a large pile of debris being burned.

**STATEMENT OF SOURCE OPERATOR: 8.3.11:** Jason, an employee of Douglas P. Fay Construction, Inc., states he was at the fire on 8.1.11 while they were burning. He states that they were burning old pallets, old trees that had been cut down and old, rotten railroad ties. He states that they did try to put it out the next day by smothering it with dirt; they were not adding more material to the pile.

**8.8.11:** After several rounds of phone tag I spoke with Mr. Fay who states that he owns the property, personally and that DPF Leasing, LLC, is just the holding company. He confirmed what Jason said of the fire on 8.1.11; that nothing new was added to the fire. The OB rules were discussed with Mr. Fay, as they pertain to him, personally, and any proeptries any of his companies may be operating on.

**FINDINGS:** JUSTIFIED   X   NOT JUSTIFIED        CANNOT BE DETERMINED

**RECOMMENDATIONS:** NOV **DATE OF WRITTEN FOLLOW UP**   8.10.11  

**CORRECTIVE ACTION AGREED TO BY SOURCE:** No more burning; will use company rolloffs.

**COMMENTS:** House fire in the past destroyed structure at 825 N. Kemp Rd. That material was hauled out in dumpsters. Wastes, such as old RR ties, pallets and wood trimmed from the property was burned on site in a pile approx. 15-18' in dia., allowed to burn down and later covered with dirt to extinguish. Also observed one tire rim in burn pile with burned radial wire.

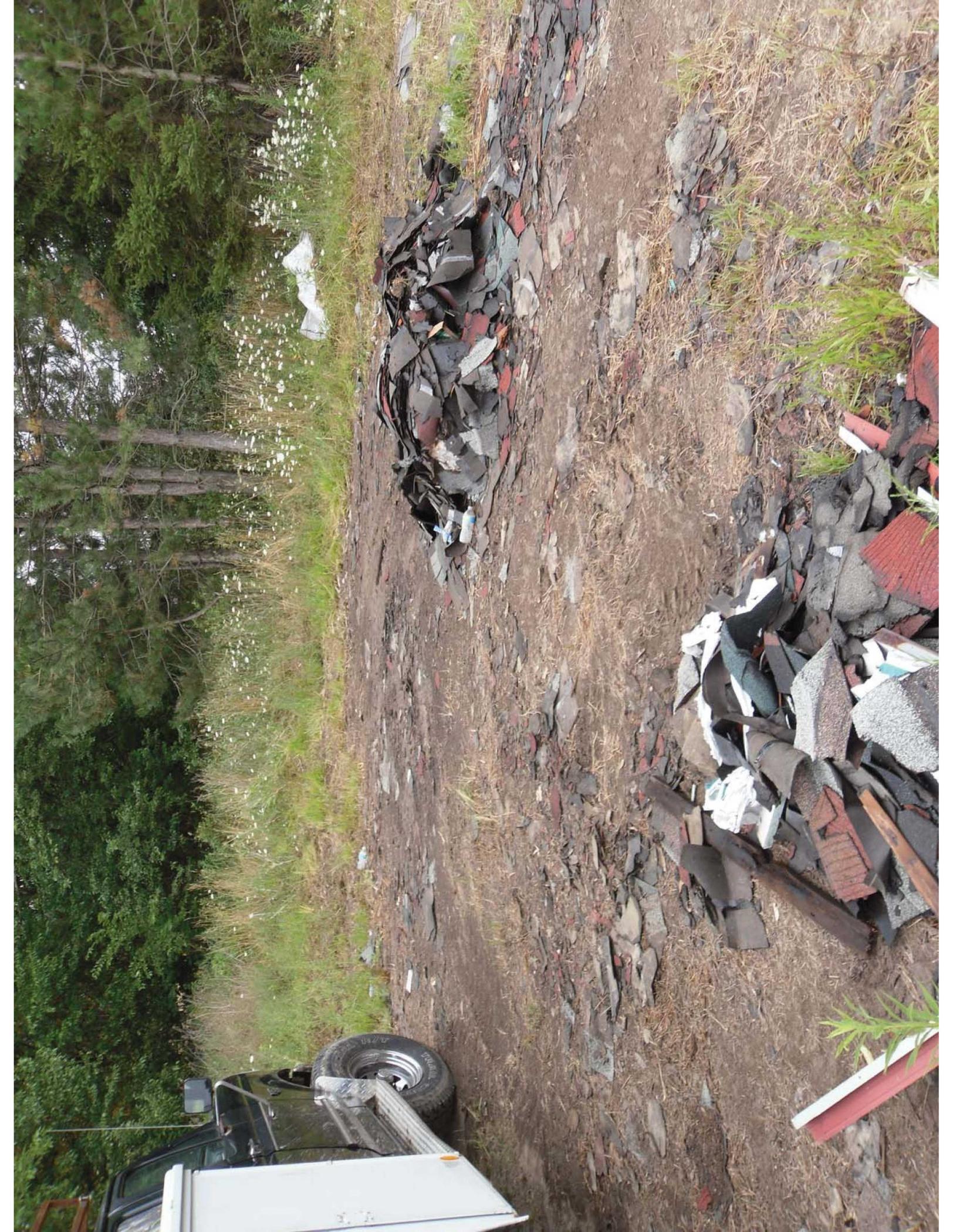
**INVESTIGATOR(S):**   TCC   **DATE RESOLVED:**   8.10.11



Douglas P. Fay Construction  
"WE DO IT ALL"

1892 Ohio Bicentennial 2007  
PDQ 6415  
TRUCK

37

























**Douglas P. Fay, Inc.**  
**ROOFING SPECIALIST**  
419-224-9998  
**2280 BATY RD.**



STOP  
AHEAD

CRACKED CHICKEN  
T.T. PIZZA