



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

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

Re: Defiance County
Open Burning Complaint
Notice of Violation

October 28, 2008

Certified Mail 7006 0100 0003 7708 6845

Mr. Tony & Ms. Melissa Fisher
21794 Parkview
Defiance, Ohio 43512

Dear Mr. & Ms. Fisher:

On September 25, 2008, this office received a complaint concerning open burning of trash being conducted on your property within 1,000 feet of your neighbors' homes. The complaint was investigated by me on October 9, 2008. While no one was home at the time of my inspection, the investigation showed that open burning of trash and some brush in a double tire rim was occurring on your property within 1,000 feet of your neighbors' homes. Please understand that open burning for disposal within 1,000 feet of your neighbors' homes is not allowed in the State of Ohio.

Based on my 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(B)(3)(c): "Disposal of residential or agricultural waste generated on the premises if the following conditions are observed: the fire is located at a point on the premises no less than 1,000 feet from the nearest inhabited building that is not located on said premises." Open burning as conducted by you is not in accordance with these rules. A copy of the OAC rules pertaining to open burning has been enclosed for your review.

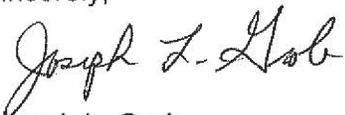
Please submit a written response to Ohio EPA, Northwest District Office, indicating your understanding of the regulations and your commitment that no future illegal open burning will occur. Your response should be received by this agency no later than November 10, 2008.

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. Tony & Ms. Melissa Fisher
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If you have any questions regarding this letter or the regulations, please contact me at (419)373-3120 or via email at joe.grob@epa.state.oh.us.

Sincerely,



Joseph L. Grob
Environmental Specialist III
Division of Air Pollution Control

/cs

Enclosure

pc: Lisa Holscher, U.S. EPA, Region V
Tom Kalman, DAPC, CO
Don Waltermeyer, DAPC, NWDO
Tom Sattler, DAPC, NWDO
Defiance County Health Department
Mrs. James Fisher, Landlord

ec: Joe Grob, DAPC, NWDO

