



Environmental  
Protection Agency

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

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

September 8, 2011

CERTIFIED MAIL

Mr. Christian Lee Schafer  
Property Owner  
P.O. Box 7234  
Lafayette, Ohio 45854

Dear Mr. Schafer:

This office received a complaint on August 29, 2011, concerning open burning being conducted on property which you are the registered owner of, at 132 South Washington Street in Lafayette, Ohio. My investigation, conducted on August 30, 2011, shows under your direction, Snyder Brothers Excavating was demolishing and burning a residential structure for disposal purposes within 1000' of adjacent inhabited structures in a restricted 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 3745-19-03(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review.

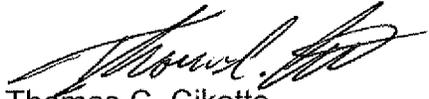
Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than September 22, 2011.

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. Christian Lee Schafer  
September 8, 2011  
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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](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 1834 0852

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**

September 6, 2011

**CERTIFIED MAIL**

Christian Lee Schafer  
Property Owner  
P.O. Box 7234  
Lafayette, OH 45854

Dear Mr. Schafer:

This office received a complaint on August 29, 2011, concerning open burning being conducted on property which you are the registered owner of, at 132 S. Washington St. in Lafayette, Ohio. My investigation, conducted on August 30, 2011, shows under your direction, Snyder Brothers Excavating was demolishing and burning a residential structure for disposal purposes within 1000' of adjacent inhabited structures in a restricted 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 3745-19-03(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review.

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

Sincerely,

Thomas C. Cikotte  
Division of Air Pollution Control

/

***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	8/29/11	8.30.11
<b>TYPE</b> TELEPHONE <input checked="" type="checkbox"/> VISIT <input type="checkbox"/> LETTER <input type="checkbox"/> DCN <input type="checkbox"/> E-MAIL <input type="checkbox"/> OTHER <input type="checkbox"/>		<b>AIR</b> INDUSTRIAL <input type="checkbox"/> PARTICULATE <input type="checkbox"/> ODOR <input type="checkbox"/> FUGITIVE DUST <input type="checkbox"/> OPEN BURNING <input checked="" type="checkbox"/> OTHER <input type="checkbox"/>	<b>COMPLAINANT:</b> Chief Scott Fischer Lafayette Jackson Twp FD 419-233-0634  <b>SUSPECTED SOURCE OF EMISSIONS:</b> Home 132 S. Washinton St. (Burned house) Layfayette, Oh 54854  (Christian) Lee Schafer Property Owner P.O. Box 7234 Lafayette, OH 45854  Mark Snyder Snyder Bros. Excavating 714 N. Napoleon Rd. Lima, OH 45801 419.236.1212 – Mark’s Cell 419.649.9111 - office
<b>STATEMENT OF COMPLAINANT:</b> Mark Snyder (contractor) that was doing a demo on the above house and called 911 when his burn got to big to handle. The Fire Chief stated that he had called and asked about the FD burning the house after they took all of the usable material out of it and was told that they could not. The FD will fax in the run report. Chief Fischer wanted to make sure that his department was covering themselves by reporting this burn.			
<b>STATEMENT OF SOURCE OPERATOR:</b> Chad Snyder and his father Mark, were on site the day of the fire. Chad was on site at the time of my inspection and he says Mr. Schafer contacted them about demoing the house and burning it and they were hesitant from the start. Then Schafer said he got permission from the fire chief so they thought it would be ok. They started to demo the house, getting the back side pushed in and got it started burning. Before they could even get around to the other side to push that in it had taken off and was already huge. He says the house was pretty much gutted and was just an old wood structure and it went quick. He said that waiting for the FD to arrive was the longest 7 minutes of his life and he feels horrible about damaging the woman’s property to the north.  Shafer says he was trying to clean-up an eyesore in town and everyone was thankful for what he was doing. He contacted the Lafayette Jackson Twp FD (LJTfD) back in June to burn the house as a training even t but they said no. So he started to strip the house out and sell what he could. He said that he’s been burning in several small piles around the property since June and none of the guys from the fire department, who all love in town, ever said he couldn’t burn that kind of stuff so he thought he was ok to burn. He knew he couldn’t burn the house but then he got permission from the chief so he thought it was ok. Then the fire got started when they demo’d the house and it just got too big for them and it got away from them. It was an accident. Between his insurance and Snyder’s insurance they’re going to take care of the neighbors and make it right. Had he known this would happen he never would have even thought about it. Had he known it was against the rules to burn he would have never done it. Said there will be no more burning.			
<b>FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/></b>			
<b>RECOMMENDATIONS:</b>		NOV both	<b>DATE OF WRITTEN FOLLOW UP</b> <u>9.6.11</u>

**CORRECTIVE ACTION AGREED TO BY SOURCE:**

**No more burning; will have material hauled to landfill.**

**COMMENTS:** Chief said the home owner contact him in June and asked to burn the house. Chief Fischer said no, that the Dept would not because the house was in town. After that the property owner let various people come in and strip the house (pipe, siding, windows, etc.) he then hired Mark Snyder to come in and demo/burn the house. Snyder knocked in one side then lit it, with the intent to collapse it into the fire and it got away from him, damaging house to the north & south. He then ran into another chief who recommended he report the matter to EPA.

Burn site is a partially demolished house and, with very few exceptions, was mostly wood products. Within 1000' of adjacent houses in a restricted area.

**INVESTIGATOR(S):**           TCC          

**DATE RESOLVED:**     /     /



S260

Bobcat

