



**Environmental
Protection Agency**

Ted Strickland, Governor
Lee Fisher, Lt. Governor
Chris Korleski, Director

Re: Auglaize County
Open Burning Complaint
Notice of Violation

October 1, 2010

CERTIFIED MAIL

Samuel & Mary Howell
Property Owners
06907 Glynwood Rd.
St. Marys, Ohio 45885

Dear Mr. & Mrs. Howell:

This office received a complaint on September 20, 2010, concerning open burning being conducted on your property. I investigated the complaint on September 28, 2010. My investigation shows that, after being told that you could not get permission to burn the structure from the Buckland Fire Dept., an old residential structure was demolished, knocked into an excavated pit, burned for disposal and the remnants were buried on site. Investigation also shows that a burn barrel was on site and contained evidence of burning construction and demolition debris and household trash with plastics. These violations occurred in an unrestricted area and within 1000' of adjacent residences.

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 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 on any property you own or control within the State of Ohio. Your response should be received by this agency no later than October 15, 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, 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
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Enclosure

pc: Auglaize County Health Dept.
7209 1680 0002 4297 2551
ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO

Northwest District Office
347 North Dunbridge Road
Bowling Green, OH 43402-9398

419 | 352 8461
419 | 352 8468 (fax)
www.epa.ohio.gov

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pc: Auglaize County Health Dept.
ec: Lisa Holscher, U.S. EPA Region V
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Thomas C. Cikotte, DAPC – NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Auglaize	9.20.10	9.28.10
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT: Unnamed Fire Fighter with St. Marys Twp FD. Called from 419.733.6858
TELEPHONE <input type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	HPF	SUSPECTED SOURCE OF EMISSIONS: Burn Site: 6837 Glynwood Rd. St. Marys, OH 45885 Property owner: Samuel & Mary Howell 06907 Glynwood Rd. St. Marys, OH 45885 419.394.2808
VISIT <input type="checkbox"/>	PARTICULATE <input type="checkbox"/>		
LETTER <input type="checkbox"/>	ODOR <input type="checkbox"/>		
DCN <input type="checkbox"/>	FUGITIVE DUST <input type="checkbox"/>		
E-MAIL <input type="checkbox"/>	OPEN BURNING <input checked="" type="checkbox"/>		
OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>		
STATEMENT OF COMPLAINANT: Delbecq received a call from a firefighter with St. Marys Twp VFD. Said that one of the residents in the area of this fire called him and was concerned that asbestos siding is being buried on site and wants to know about contamination of his well from the asbestos. Caller went on to say that the property owner, Sam Howell, had been demo'ed the house on site and burned it. He said that Hershfeld Excavating did the demolition of the structure and the property owner told them specifically not to burn it because he had been told by the local FD that he wasn't allowed to burn it.			
STATEMENT OF SOURCE OPERATOR: Mrs. Howell states that they called the Buckland FD at 0700 on 9.18.10 to ask for permission and the FD said they could NOT give permission. Mrs. Howell maintains that it was an accidental fire, however, admits that her husband started the fire intentionally. She says that the contractor on site excavated a hole 30x9x9 and that was not enough room. The contractor advised that they burn off part of the material to make more room in the hole. Mr. Howell started the fire and it "got away from him".			
FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/>			
RECOMMENDATIONS: NOV DATE OF WRITTEN FOLLOW UP <u>10.1.10</u>			
CORRECTIVE ACTION AGREED TO BY SOURCE: No more illegal burning.			
COMMENTS: Spoke with Buckland FD Chief Mark Fisher (419.302.9345) who stated that the cause of the fire was "a controlled burn that got away from him." Chief said that he had been burning the house in small sections in an excavated pit but it "kicked up and got into the rest of the house".			
Area was freshly graded and there were signs of burned lumber and broken brick in the freshly graded dirt. Also had a burn barrel in the back with signs of HHTw/P, aluminum cans and C&DD including vinyl siding.			
Mr. Howell admits to starting the fire even after being told that the Buckland FD could not give him permission to do so. This, to me, shows a level of knowing violation and recalcitrance.			

INVESTIGATOR(S): TCC

DATE RESOLVED: 10.1.10

Re: Auglaize County
Open Burning Complaint
Request for Information

October 4, 2010

Samuel & Mary Howell
Property owners
06907 Glynwood Rd.
St. Marys, Ohio 45885

Dear Mr. & Mrs. Howell:

Per your request, I have enclosed a copy of the complaint investigation report generated as a result of the fire at your house on September 19, 2010.

Part of our discussion involved the person who called to submit the complaint. At that time the form was completed that person's name was not known but the phone number is identified on the form. After our conversation found that the phone is a cell phone serviced out of Celina, Ohio. I called and asked whom I was speaking with. The gentleman stated that his name is Tim Caywood, that he is a member of the St. Marys Twp. Vol. Fire Department and that he was calling on behalf of Mr. Rye, who lives across the street. While the caller's name is new information to me, the rest of the information is consistent with what was told to me before my investigation.

I trust this is the information you were looking for. If it is not or should you need any other information, 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

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Enclosure

cc: Thomas C. Cikotte, DAPC – NWDO



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Thomas C. Cikotte
Division of Air Pollution Control

/lb

Enclosure

ec: Thomas C. Cikotte, DAPC – NWDO





RECOMENDACIONES PROCEDIMIENTO PARA INSTALACION

1. Tapa el agua de la tubería.
2. Retirar el agua de la tubería.
3. Instalar el drenaje de la tubería. Retirar el drenaje de la tubería y el agua de la tubería.
4. Poner la tubería en su posición.
5. Poner la tubería en su posición.
6. Poner la tubería en su posición.
7. Poner la tubería en su posición.
8. Poner la tubería en su posición.
9. Poner la tubería en su posición.

Note: These parts are designed for long life operation.





1600