



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Rd.
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.ohio.gov

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

Re: Ashland County
Open Burning Complaint

Notice of Violation

April 30, 2010

CERTIFIED MAIL

Mr. Lester Miller
853 Twp Rd. 1451
Ashland, Ohio 44805

Dear Mr. Miller:

On April 22, 2010, this office observed open burning being conducted on your property. Based on our observations, scraps of "hard rubber" used in harness making were burned for disposal purposes in an unrestricted area. Illegal open burning did occur and the violation is justified. This is a violation of Ohio Administrative Code rule 3745-19-04.

A copy of the OAC rules pertaining to open burning has been enclosed. Please submit a written response to Ohio EPA indicating your understanding of the regulations and your commitment that illegal open burning will not occur in the future. Your response should be received by this agency no later than May 19, 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.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

/lb

Enclosure

pc: Ashland County Health Dept.
7006 0100 0004 1318 3972

ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC – CO
Don Waltermeyer, DAPC – NWDO
Tom Sattler, DAPC – NWDO
Thomas C. Cikotte, DAPC – NWDO
Brian Riedmaier, DAPC – NWDO

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Brian Riedmaier; DAPC – NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Ashland	4.22.10	4.22.10
TYPE	AIR		COMPLAINANT: Brian Riedmaier – NWDO DAPC
TELEPHONE <input type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	HPF	SUSPECTED SOURCE OF EMISSIONS: Lester Miller 853 TR 1451 Ashland, OH 44805 No phone - Amish
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 checked="" type="checkbox"/>	OTHER		

STATEMENT OF COMPLAINANT: Riedmaier was in the field when he observed a significant plume of black smoke. He traced it back to the address above.

STATEMENT OF SOURCE OPERATOR: Mr. Miller stated that “he knew he should have waited until it was dark out.”

FINDINGS: JUSTIFIED NOT JUSTIFIED CANNOT BE DETERMINED

RECOMMENDATIONS: NOV DATE OF WRITTEN FOLLOW UP 4.30.10

CORRECTIVE ACTION AGREED TO BY SOURCE: Will take waste to landfill in the future.

COMMENTS: Riedmaier stated that he observed Mr. Miller burning scrap pieces of “hard rubber” from his horse harness making business. The address above is in an unrestricted area.

INVESTIGATOR(S): B. Riedmaier - TCC

DATE RESOLVED: 4.30.10