Re: Defiance County
Open Burning Complaint

Notice of Violation

May 20, 2010

CERTIFIED MAIL

Ms. Jamie Mann
Tenant
14978 Dohoney Rd.
Defiance, OH 43512

Dear Ms. Mann:

This office received a complaint on May 17, 2010, concerning open burning being conducted on property you rent, addressed above. Ms. Alyse Johnson and I investigated the complaint on May 19, 2010. Our investigation shows the following materials were burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: household trash with plastics, glass, metal cans, brush and what appeared to be an inflatable air mattress.

Based on our 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. A similar letter and the OAC rules are also being sent to the property owner, Okie P. Davis, because she, as the property owner, may ultimately be held liable for current and future violations.

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 June 7, 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, I can be reached by calling (419) 373-3137 or via e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

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Enclosure

pc: Thomas C. Cikotte, DAPC – NWDO
Definace County Health Dept.

ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Alyse Johnson, DAPC - NWDO

OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Defiance	5.17.10	5.19.10

TYPE

TELEPHONE	X	INDUSTRIAL	
VISIT		PARTICULATE	
LETTER		ODOR	
DCN		FUGITIVE DUST	
E-MAIL		OPEN BURNING	X
OTHER		OTHER	

AIR

HPF

COMPLAINANT:

Jack E. Landskroener
26021 Bowman Rd.
Defiance, OH 43512
419.395.2391

SUSPECTED SOURCE OF EMISSIONS:

Ms. Jamie Mann (renter)
14978 Dohoney Rd.
Defiance, OH 43512

Property owner:
Okie P. Davis
19971 State Route 637
Oakwood, OH 45873
(419) 393-2770

NW corner of the intersection of Bowman & Dohoney Rd.
Burn site S. of garage

STATEMENT OF COMPLAINANT: Neighbor burns his trash. They've been burning a lot of plastic lately and it stinks.

STATEMENT OF SOURCE OPERATOR: Spoke with the tenant, Ms. Jamie Mann. Ms. Mann acknowledged that she burns but thought she was allowed to out in the country. She feels as though she is being picked on , stating "Everyone else in the damn neighborhood can burn but not me!? Sure, pick on the poor person." She was explained the rules and assured that her economic status had no bearing on EPA's investigation. She was also told that she had every right to file complaints against others in the area.

FINDINGS: JUSTIFIED X NOT JUSTIFIED _____ CANNOT BE DETERMINED

RECOMMENDATIONS: NOV DATE OF WRITTEN FOLLOW UP 5.20.10

CORRECTIVE ACTION AGREED TO BY SOURCE: None at that time. Ms. Mann was visibly upset at the situation and I didn't want to push the issue.

COMMENTS: Observed a burn pile approx 7' in diameter containing household trash with plastics, glass, metal cans, brush and what appeared to be an inflatable air mattress.

Ms. Mann was frustrated at the situation and I explained that there would not be a fine but she needed to quit burning.

INVESTIGATOR(S): TCC & AJ DATE RESOLVED: 5.20.10

Re: Defiance County
Request for information

June 14, 2010

Jamie Mann
Tenant
14978 Dohoney Rd.
Defiance, Ohio 43512

Dear Ms. Mann:

Per your request during our conversation on June 14, 2010, I have enclosed the two (2) pictures taken during my investigation into an open burning complaint which specifically identified the address above. You are the tenant on that property.

During our conversation you also requested "the law that lets [me] come onto [your] property". Please find enclosed Ohio Revised Code 3704.03(L), which discusses the powers of the Director of Environmental protection and reads, in part, as follows: "… through any employee, agent or authorized representative, enter upon private or public property ... at any reasonable time, to make inspections… to ascertain whether there is compliance with this chapter…"

Should you have any questions regarding this information, please feel free to contact me.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

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pc: Thomas C. Cikotte, NWDO – DAPC