



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: Crawford County
Open Burning Complaint
Notice of Violation

August 3, 2009

CERTIFIED MAIL

Edward & Ladora Rowe
Property Owners
3750 County Road 51
Galion, Ohio 44833

Dear Mr. & Mrs. Rowe:

This office received a complaint on July 23, 2009, concerning open burning being conducted on property you own at 5055 Crestline Rd. in Bucyrus, Ohio. I investigated the complaint on July 27, 2009. My investigation shows household trash including plastics, metal cans and glass were burned for disposal purposes within 1000 feet of neighboring residences.

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(A). In addition to the tenant's son, as the property owner, you are also being cited for this violation because you may ultimately be named as a responsible party under this investigation. 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 **August 17, 2009**.

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
/lb

Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Crawford County Health Dept.
7007 2560 0000 4479 2612



Re: Crawford County
Open Burning Complaint
Notice of Violation

July 31, 2009

CERTIFIED MAIL

Edward & Ladora Rowe
Property owners
3750 County Road 51
Galion, Ohio 44833

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Crawford County Health Dept.

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Crawford	7.23.09	7.27.09
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT:
TELEPHONE <u>X</u>	INDUSTRIAL <u> </u>	HPF	Bill Miller Jr. 5045 Crestline Rd Bucyrus, OH 44820 SUSPECTED SOURCE OF EMISSIONS: Rebecca & Cliff Rice 5055 Crestline Rd Bucyrus, OH 44820 419-617-7172 Property owner: Ed & Ladora Rowe 3750 County Road 51 Galion, OH 44833 Home - 419.486.5783 Cell - 419.834.0452
VISIT <u> </u>	PARTICULATE <u> </u>		
LETTER <u> </u>	ODOR <u> </u>		
DCN <u> </u>	FUGITIVE DUST <u> </u>		
E-MAIL <u> </u>	OPEN BURNING <u>X</u>		
OTHER <u> </u>	OTHER		

STATEMENT OF COMPLAINANT: from Joe Grob's e-mail: William F. Miller Jr. - 5045 Crestline Rd., Bucyrus, Ohio 44820, called today to complain about his neighbor burning a number of bags of trash on 7-20 and 21-09. Within 100 ft. of his home. The Rice's at 5055 Crestline Rd. have 2 fire rings and were using the one farther out back. Both parties have a feud going on. They were both nice to me. This will be the 2nd for Rice. Thanks.

STATEMENT OF SOURCE OPERATOR: Cliff Rice stated that this complaint was the result of a "feud" between him and his neighbor. She said they have had a fires in the past but haven't burned trash since Joe came out. He said that they only burn wood. I repeatedly asked if I could go back and examine the burn pit, was never given permission and was eventually asked to leave the property.

I left and talked to the complainant. While we were talking the suspect's younger son went out to the burn site and started removing material from the southern pile. After he removed a few cans he stopped and went back inside. I was given permission by the complainant to observe and photograph the suspect's burn sites from his property. I observed aluminum cans, steel cans, glass bottles, glass jars, a metal spade shovel, a plastic snow shovel and what appeared to be bits of plastic in the southernmost burn site. Aside from one piece of something blue (assuming plastic), the northern burn site appeared to contain all wood remnants.

When leaving the area, Rebecca Rice waved me onto the property. She explained that she and her husband had not been home at the time when the most recent burning occurred. She stated that they were both at a doctor's appointment and that her son was trying to clean up the yard for them, as they are both in poor health. She stated that the older son, Shannon, was not aware that they weren't allowed to burn trash. He stated that he "figured it was OK because everyone else around [there] burns their trash." I explained that, regardless, they, as the ones in control of the property, had received a verbal order not to burn, a written NOV with the rules enclosed and they still burned their trash. When I was asked if there would be a fine and I recapped the situation and told her I would report to my supervisor and he would make the ultimate decision on if there would be a fine or not.

FINDINGS: JUSTIFIED X NOT JUSTIFIED CANNOT BE DETERMINED

RECOMMENDATIONS: NOV tenant, NOV property owner
DATE OF WRITTEN FOLLOW UP 7.28.09

CORRECTIVE ACTION AGREED TO BY SOURCE: Mrs. Rice said that she would make sure that this never happened again. She apologized for the incident and her husband's actions/demeanor.

Ohio Environmental Protection Agency
Note to File

OEPA Staff: Tom Cikotte
Date: 7.28.09
Subject: Permission to enter property from property owner

Notes & Summary:

In dealing with a complaint of Rebecca & Cliff Rice conducting open burning I spoke with property owner Ed Rowe. Mr. Rowe acknowledged a “feud” between the Rice family and the Miller family. I was given permission to enter either property and was asked to call Mr. Rowe’s cell phone at any time in the future to confirm this.

Ed & Ladora Rowe
3750 County Road 51
Galion, OH 44833
Home - 419.486.5783
Cell – 419.834.0452

Rebecca & Cliff Rice
5055 Crestline Rd
Bucyrus, OH 44820
419-617-7172

Bill Miller Jr.
5045 Crestline Rd
Bucyrus, OH 44820
(419) 562-1562