Re: Allen County
Open Burning Complaint

Notice of Violation

April 30, 2010

CERTIFIED MAIL

Jonathan Nichols
Property owner
3425 McBride
Delphos, Ohio 45833

Dear Mr. Nichols:

This office received a complaint on April 22, 2010, concerning open burning being conducted on your property. I investigated the complaint on April 26, 2010. My investigation shows household trash including plastics, brush, leaves, construction and demolition debris, a mattress and upholstered furniture was burned for disposal purposes. A fire origination from your property is also believed to have started a fire that burned approximately 40 acres of an adjacent corn stubble field on or about April 12, 2010. The above violations occurred within 1000' of adjacent residences in an unrestricted area.

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). 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 May 17, 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
Allen County Health Dept.

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

OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Allen	4.22.10	4.26.10

TYPE

TELEPHONE __
VISIT __
LETTER __
DCN __
E-MAIL __
OTHER __

AIR

INDUSTRIAL __
PARTICULATE __
ODOR __
FUGITIVE DUST __
OPEN BURNING X__
OTHER

HPF

COMPLAINANT:
Keith Brickner - American Twp FD
419.339.3921
kbrickner@ATFD2007.com

SUSPECTED SOURCE OF EMISSIONS:

Jonathan Nichols
3425 McBride
Delphos, OH 45833

STATEMENT OF COMPLAINANT: Deputy Chief Bricker sent an e-mail and run report to J. Skebba regarding a fire on 4.12.10, in which approx 40 acres of corn stubble field burned and was started from an illegal trash fire.

STATEMENT OF SOURCE OPERATOR: None. No one home at time of inspection.

FINDINGS: JUSTIFIED ___X__ NOT JUSTIFIED _____ CANNOT BE DETERMINED

RECOMMENDATIONS: NOV DATE OF WRITTEN FOLLOW UP ___ 4.30.10

CORRECTIVE ACTION AGREED TO BY SOURCE: None. No one home at time of inspection.

COMMENTS: Observed a burn pile approx 8-10' in dia. C&DD, a mattress and parts to a piece of upholstered furniture (recliner) were burned. Fresh evergreen tree trimmings appear to have been added since the last burn. Per reporting FD, this is the cause of a 40 acre stubble field fire. There was also a burn barrel which contained signs of burning household trash with plastics & C&DD.

INVESTIGATOR(S): _____TCC_____ **DATE RESOLVED:** ___ 4.30.10