



State of Ohio Environmental Protection Agency

PDF

Northwest District Office

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

TELE: (419) 352-8461 FAX: (419) 352-8466
www.epa.state.oh.us

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

Re: Defiance County
Open Burning Complaint

Notice of Violation

June 19, 2009

CERTIFIED MAIL

Mr. Phil Frederick
19686 Road 1048
Defiance, Ohio 43512

Dear Mr. Frederick

On April 17, 2009, this office received a complaint concerning open burning being conducted on your property. The complaint was investigated by me on June 11, 2009. You were present during my visit and admitted to burning your papers. You are in an unrestricted area but it is also very residential. Please be advised that burning anything for disposal within 1000 feet from an inhabited building that is not on your property is unlawful.

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): "No person or property owner shall cause or allow open burning in an unrestricted area except as provided in paragraphs (B) to (C) of this rule or in section 3704.11 of the revised code." Open burning as you have been conducting is not provided for in these rules. 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 July 3, 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 call me at (419) 373-3120 or e-mail at joe.grob@epa.state.oh.us.

Sincerely,

Joseph L. Grob
Environmental Specialist III
Division of Air Pollution Control
/lb

Enclosure

cc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Defiance County Health Department
7007 2560 0000 4485 6697
ec: Joe Grob

