



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.state.oh.us

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

Re: Allen County
Open Burning Complaint
Notice of Violation

June 9, 2009

Certified Mail 7007 2560 0000 4485 6567

Mr. Robert Lacy
835 Judkins Avenue
Lima, Ohio 45805

Dear Mr. Lacy:

On May 15, 2009, this office received a complaint concerning you open burning furniture, trash and other various items on property that your father owns on Spencerville Road. The complainant also alleged that you are paid by people to dispose of these items. The complaint was investigated by me on May 19, 2009. You were present at the time of my inspection and told me that you only burn brush because you were cleaning up the property. There appeared to be a 12 foot x 12 foot area that had been used for burning. You said you had not burned there but in another location and in an outdoor incinerator. Both areas are within 1,000 feet of your neighbors' homes. Be aware that open burning anything for disposal, even in the incinerator, within 1,000 feet of your neighbors' homes is not allowed in the State of Ohio.

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 Ohio Administrative Code (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 conducted 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 June 23, 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 contact me at (419)373-3120 or via email at joe.grob@epa.state.oh.us.

Sincerely,

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

/cs
Enclosure

pc: Lisa Holscher, U.S. EPA, Region V
Tom Kalman, DAPC, CO
Don Waltermeyer, DAPC, NWDO
Tom Sattler, DAPC, NWDO
Allen County Health Department
DAPC, NWDO File
ec: Joe Grob, DAPC, NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Allen	5-15-09	5-19-09
TYPE	AIR		COMPLAINANT: (NAME, ADDRESS, PHONE #)
TELEPHONE <input checked="" type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	HPF	ANONYMOUS: <input checked="" type="checkbox"/> IF YES THIS BOX SHOULD BE LEFT BLANK
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 type="checkbox"/>	OTHER		
			SUSPECTED SOURCE OF EMISSIONS:
			Robert Lacy 419-222-7913 835 Judkins Ave. Lima, Ohio 45805
STATEMENT OF COMPLAINANT: Between 1654 S. Kemp Rd. and white house on the corner of Rt, 117, (Spencerville Rd.) there is a drive behind the houses and a strip of land owned by Lowell Lacy, Robert's Dad. Robert brings furniture, trash etc. to this property and burns it. He picks up these things from people who pay him to dispose.			
STATEMENT OF SOURCE OPERATOR: All he burns is brush at the end of the strip cleaning up the property. Also he burns brush in a homemade incinerator.			
FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/> Appears to have a 12 x 12 area where he burns. It was all cleaned up at time of inspection. Ash in the incinerator. No evidence of burning trash or furniture.			
RECOMMENDATIONS:		DATE OF WRITTEN FOLLOW UP: <u>6-9-09</u>	
NOV			
CORRECTIVE ACTION AGREED TO BY SOURCE:			
COMMENTS:			

INVESTIGATOR(S): ig

DATE RESOLVED: 6-9-09