



**Environmental  
Protection Agency**

John R. Kasich, Governor  
Mary Taylor, Lt. Governor  
Scott J. Nally, Director

Re: Defiance County  
Open Burning Complaint  
**Notice of Violation**

April 12, 2011

**CERTIFIED MAIL** 7009 1410 0001 1840 1751

Mr. Lee Randall, Owner  
School Creek Rentals, LLC  
30361 Defiance-Ayersville Pleasant Bend Road  
Holgate, Ohio 43527

Dear Mr. Randall:

This office received a complaint on April 7, 2011, concerning open burning being conducted on property for which School Creek Rentals, LLC, is the registered owner. The property in question is located at 18666 Harris Road in Continental, Ohio. My investigation, conducted on April 8, 2011, shows that demolition debris from the residential structure on site was burned for disposal within 1000' of adjacent residences in an unrestricted area. The materials burned include the following: wood, shingles, vinyl siding, fiberglass insulation, brush, dimensional lumber and possible asbestos containing materials.

Based on these 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 because you, as the owner of School Creek Rentals, LLC, may be held liable for current and future violations. It is ultimately your responsibility to ensure that violations do not occur on your property.

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 on any property you own or control within the State of Ohio. Your response should be received by this agency no later than April 28, 2011.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,

Thomas C. Cikotte  
Division of Air Pollution Control

/cs  
Enclosure

pc: Defiance County Health Department  
ec: William MacDowell, U.S. EPA Region V  
Tom Kalman, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC - NWDO

Re: Defiance County  
Open Burning Complaint  
**Notice of Violation**

April 12, 2011

**CERTIFIED MAIL**

Lee Randall, Owner  
School Creek Rentals, LLC.  
30361 Defiance Ayersville Pleasant Bend Rd.  
Holgate, OH 43527

Dear Mr. Randall:

This office received a complaint on April 7, 2011, concerning open burning being conducted on property for which School Creek Rentals, LLC, is the registered owner. The property in question is located at 18666 Harris Rd. in Continental, Ohio. My investigation, conducted on April 8, 2011, shows that demolition debris from the residential structure on site was burned for disposal within 1000' of adjacent residences in an unrestricted area. The materials burned include the following: wood, shingles, vinyl siding, fiberglass insulation, brush, dimensional lumber and possible asbestos containing materials.

Based on these 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 because you, as the owner of School Creek Rentals, LLC, may be held liable for current and future violations. It is ultimately your responsibility to ensure that violations do not occur on your property.

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 on any property you own or control within the State of Ohio. Your response should be received by this agency no later than April 28, 2011.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,

Thomas C. Cikotte  
Division of Air Pollution Control

/

***Enclosure***

pc: Defiance County Health Dept.  
ec: William MacDowell, U.S. EPA Region V  
Tom Kalman, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC – NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY  
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Defiance	4.7.11	4.8.11
<u>TYPE</u>	<u>AIR</u>		<b>COMPLAINANT: Russ Dockery (<a href="mailto:ohio4us@defnet.com">ohio4us@defnet.com</a>)</b>
TELEPHONE <input type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	HPF	<b>SUSPECTED SOURCE OF EMISSIONS:</b> <b>Burn Site:</b> 18666 Harris Rd. Continental, OH 45831  <b>Property owner:</b> Lee Randall, Owner School Creek Rentals, LLC. 30361 Defiance Ayersville Pleasant Bend Rd. Holgate, OH 43527 419.395.2228  <b>Demo Contractor:</b> David O. Cross (son also named David) 1672 Rd 19 Continental, OH 45831 <b>419.398.2244</b>
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 checked="" type="checkbox"/>	OPEN BURNING <input checked="" type="checkbox"/>		
OTHER <input type="checkbox"/>	OTHER		
<b>STATEMENT OF COMPLAINANT:</b> have a question the house next door was tore down and piled into a pile and this house had asbestos shingles on it among asbestos insulation in attic. Today 4/7/2011 they set the house on fire and let for it to burn on its own they left after setting it on fire. the address is 18666 Harris Rd., Continental, OH, this in Defiance County. Tried calling the Sheriff's Department and they acted like there was nothing that they could do, also tried calling fire department no answer called fire chief and deputy chief of the fire department and no responses from any. The address of the house in question is at 18666 Harris Rd., Continental, OH, 45831. Subsequent e-mails (attached) provide the names and addresses for the property owner and the contractor.			
<b>STATEMENT OF SOURCE OPERATOR:</b> Mr. Randall said he was not aware of his property being burned He said that he did have an arrangement for Mr. David Cross to come and take a few windows, doors and an old water heater out of the property. He said he had no knowledge of anything else going on there. Mr. Cross said that he had an agreement, made around the first of the year, to demolish the house with the understanding that he could take a few of the doors, windows and the water heater first. Mr. Cross says he had completed the demolition, left to get something and when he returned the debris was on fire. After speaking to Mr. Randall again, he stated that Mr. Cross had permission to take the stuff and demo the house but not to burn it.			
<b>FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/></b>			
<b>RECOMMENDATIONS: NOV DATE OF WRITTEN FOLLOW UP <input type="checkbox"/> 4.12.11</b>			
<b>CORRECTIVE ACTION AGREED TO BY SOURCE: No more burning.</b>			
<b>COMMENTS: Residential structure burned for disposal in an unrestricted area, within 1000' of adjacent residences. Evidence of wood, shingles, vinyl siding, fiberglass insulation, brush &amp; dimensional lumber being burned.</b>			

INVESTIGATOR(S): TCC

DATE RESOLVED: 4.12.11









