



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.ohio.gov

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

Re: Allen County
Open Burning Complaint

Notice of Violation

May 6, 2010

CERTIFIED MAIL

Tom Klausing - Owner
The Squirty Worm
1996 Robb Road
Lima, Ohio 45805

Dear Mr. Klausing:

This office received a complaint on April 28, 2010, concerning open burning being conducted on your property. I investigated the complaint on May 4, 2010. My investigation shows construction and demolition debris, wood furniture and upholstered furniture were burned for disposal purposes in a restricted 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 3745-19-03(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 24, 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.

Mr. Tom Klausing
May 6, 2010
Page Two

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

/lb

Enclosure

pc: Thomas C. Cikotte, DAPC – NWDO
Allen County Health Dept.
7006 0100 0004 1318 3750

ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC – NWDO
Deputy Fire Chief Kenneth Brickner, American Twp. FD

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**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED			
NWDO	Allen	4.28.10	5.4.10			
<table style="width:100%; border-collapse: collapse;"> <tr> <td style="width:50%; border-right: 1px solid black;"> TYPE AIR TELEPHONE <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> HPF 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 </td> <td style="width:50%;"> COMPLAINANT: Deputy Chief Keith Brickner American Twp FD 419.339.3921 kbrickner@ATFD2007.com </td> </tr> <tr> <td style="border-right: 1px solid black;"></td> <td> SUSPECTED SOURCE OF EMISSIONS: Tom Klausing – Owner The Squirry Worm 1996 Robb Rd. Lima, OH 45805 419.228.1988 </td> </tr> </table>		TYPE AIR TELEPHONE <input type="checkbox"/> INDUSTRIAL <input type="checkbox"/> HPF 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	COMPLAINANT: Deputy Chief Keith Brickner American Twp FD 419.339.3921 kbrickner@ATFD2007.com		SUSPECTED SOURCE OF EMISSIONS: Tom Klausing – Owner The Squirry Worm 1996 Robb Rd. Lima, OH 45805 419.228.1988	
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	SUSPECTED SOURCE OF EMISSIONS: Tom Klausing – Owner The Squirry Worm 1996 Robb Rd. Lima, OH 45805 419.228.1988					
STATEMENT OF COMPLAINANT: E-mail from Deputy Chief Brickner states that they observed and extinguished a fire containing household furnishings and other trash. Pictures included.						
STATEMENT OF SOURCE OPERATOR: States that he was burning a couch that someone threw over the fence from the storage facility that borders his property (Store-n-lock type facility). He said people throw stuff over the fence from time to time and he didn't want to have to pay to get rid of it. He said the FD was there within 10 minutes, if not sooner and put it out. He said it won't happen in the future.						
FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED						
RECOMMENDATIONS: NOV		DATE OF WRITTEN FOLLOW UP				
CORRECTIVE ACTION AGREED TO BY SOURCE:						
COMMENTS: Evidence provided by ATFD is sufficient basis for NOV. Explained the rules and told him no more burning. Said future violations may yield a fine. He said he understood. *Also not that C&DD was in the pile and he's remodeling the restaurant part of the property into dorm style housing. Observed a pile approx 12' in dia containing C&DD, C&DD (drywall, wall studs, etc) wood furniture. Mr. Klausing is in the process of acquiring the property through land contract and will be treated as the property owner. Also the former owner is deceased and his widow is in a nursing facility in FL. Essentially he is burning it from the estate. No need to address technical owner at this point.						

INVESTIGATOR(S): TCC

DATE RESOLVED:



02300 FDID	OH State	04/23/2010 Incident Date	19-2 Station	1000599 Incident Number	0 Exposure	NFIRS - 1 Basic
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Location Address is on the Wildland Fire Module Census Tract: **01756**

Street Address

1996 ROBB **Lima, OH 45805**
Street Address Apt./Suite/Room City, State and Zip Code

Cross street or directions

Incident Type 151 Outside rubbish, trash or waste fire	Dates & Times Alarm: 4/23/2010 7:01:37PM Arrival: 4/23/2010 7:02:47PM Controlled: Last Unit: 4/23/2010 7:33:15PM						
Shifts & Alarms <table border="1"> <tr> <td>c</td> <td>1</td> <td>000</td> </tr> <tr> <td>Shift</td> <td>Alarm</td> <td>District</td> </tr> </table>	c	1	000	Shift	Alarm	District	
c	1	000					
Shift	Alarm	District					

Aid Given or Received N None	Resources <input checked="" type="checkbox"/> Apparatus or Personnel Form Used <table border="1"> <tr> <td></td> <td>Apparatus</td> <td>Personnel</td> </tr> <tr> <td>Suppression:</td> <td>2</td> <td>0</td> </tr> <tr> <td>EMS:</td> <td>1</td> <td>0</td> </tr> <tr> <td>Other:</td> <td>0</td> <td>7</td> </tr> </table> <input type="checkbox"/> Resource counts include aid received		Apparatus	Personnel	Suppression:	2	0	EMS:	1	0	Other:	0	7
	Apparatus	Personnel											
Suppression:	2	0											
EMS:	1	0											
Other:	0	7											
Actions Taken 11 Extinguish Primary Action Taken (1) Additional Action Taken (2) Additional Action Taken (3)													

Estimated Dollar Losses & Values				
LOSSES		None	PRE-INCIDENT VALUE:	None
Property:	0	<input checked="" type="checkbox"/>	Property:	0
Contents:	0	<input checked="" type="checkbox"/>	Contents:	0

Casualties <input type="checkbox"/> None <table border="1"> <tr> <td></td> <td>Deaths</td> <td>Injuries</td> </tr> <tr> <td>Fire Service:</td> <td>0</td> <td>0</td> </tr> <tr> <td>Civilian:</td> <td>0</td> <td>0</td> </tr> </table>		Deaths	Injuries	Fire Service:	0	0	Civilian:	0	0	Hazardous Materials Released N None
	Deaths	Injuries								
Fire Service:	0	0								
Civilian:	0	0								

Detector	Mixed Use Property NN Not mixed use
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Property Use
931 Open land or field

FILE COPY

Person/Entity Involved

Name

Business name

Street Address

Post Office Box

Apt./Suite/Room

City, State and Zip Code

Phone Number

Owner

TOM KLAUSING

Name

Business name

1996 ROBB

Street Address

Post Office Box

Apt./Suite/Room

LIMA, OH 45805

(419)-22-8-1988

City, State and Zip Code

Phone Number

Insurance Company

Total Insurance

Authorization

Officer in charge:

WILL, JOEL

Signature:

Assignment **E1911**

Date **4/23/2010**

CAPTAIN JOEL WILL

Member making report:

PETERS, MICHAEL

Signature:

Assignment **E1912**

Date **4/23/2010**

LIEUTENANT MICHAEL PETERS



FILE COPY

02300	OH	04/23/2010	19-2	1000599	0	NFIRS - 9
FDID	State	Incident Date	Station	Incident Number	Exposure	Apparatus

Unit ID:	E-1911	Dispatched:	4/23/2010 7:01:37PM	Use:	
Serial #:	4S7CT2D9X9C071211	Enroute:			
Type:	00	Arrival:	4/23/2010 7:02:47PM		
	Other apparatus/resource	Clear:	4/23/2010 7:33:15PM		
		In Quarters:	4/23/2010 7:40:00PM		
Actions Taken					
	1)			3)	
	2)			4)	

Personnel ID	Name

Unit ID:	E-1912	Dispatched:	4/23/2010 7:01:37PM	Use:	
Serial #:	1FV6JLCB0RL612043	Enroute:			
Type:	00	Arrival:	4/23/2010 7:02:47PM		
	Other - Not Specified In Inve	Clear:	4/23/2010 7:33:15PM		
		In Quarters:	4/23/2010 7:40:00PM		
Actions Taken					
	1)			3)	
	2)			4)	

Personnel ID	Name

Unit ID:	M-1971	Dispatched:	4/23/2010 7:01:37PM	Use:	
Serial #:	1GBE4V1957F423298	Enroute:			
Type:	00	Arrival:	4/23/2010 7:02:47PM		
	Other - Not Specified In Inve	Clear:	4/23/2010 7:33:15PM		
		In Quarters:	4/23/2010 7:40:00PM		
Actions Taken					
	1)			3)	
	2)			4)	

Personnel ID	Name

FILE COPY

02300	OH	04/23/2010	19-2	1000599	0	NFIRS - 10
FDID	State	Incident Date	Station	Incident Number	Exposure	Personnel

Personnel ID	Name	Unit ID:
BULLINGER, JOE R	FIREFIGHTER/EMT-B JOE R BULLINGER	
CUNNINGHAM, AARON	FIREFIGHTER/ MEDIC AARON CUNNINGHAM	
HAIDLE, WILLIAM	VOLUNTEER FIREFIGHTE WILLIAM HAIDLE	
PETERS, MICHAEL	LIEUTENANT MICHAEL PETERS	
PICKLESIMER, JAMES M	FIREFIGHTER/ MEDIC JAMES M PICKLESIMER	
SMITH, MARK	VOLUNTEER FIREFIGHTE MARK SMITH	
WILL, JOEL	CAPTAIN JOEL WILL	

FILE COPY











