



Environmental
Protection Agency

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

Re: Allen County
Open Burning Complaint
Notice of Violation

January 25, 2011

CERTIFIED MAIL

T.J.S.T., LLC
Property Owners
8765 Mericle Road
Fort Jennings, Ohio 45844

Dear Ms. Ebbeskotte and Misters Robey:

This office received a complaint on January 18, 2011, concerning open burning being conducted on your property at 729 West Main Street in Cairo, Ohio, and I investigated the complaint on January 19, 2011. My investigation shows a metal 55 gal drum has been buried in the yard and looks like a recreation fire ring from the street. However, the drum appears to have been used to burn residential waste including the following: paper products, aerosol cans, pipe insulation, misc. metal products and wood products. This occurred in a restricted area within 1000' from adjacent inhabited residences.

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 3745-19-03(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review and a similar letter and the OAC rules are also being sent to TJST LLC. because they, as the property owners, may be ultimately be held liable for current and future violations.

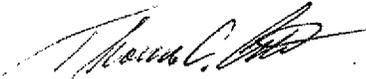
Please submit a written response to Ohio EPA, Northwest District Office indicating your understanding of the regulations and your commitment that no future illegal open burning will occur on any property you own or control within the State of Ohio. Your response should be received by this agency no later than February 10, 2011. Also, while some fires are permitted, as described in the attached rules 3745-19-03(B), this office would also suggest the removal of the metal barrel from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

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.

T.J.S.T., LLC
January 25, 2011
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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.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/lr

Enclosure

pc: Allen County Health Department
Certified Receipt Number 7009 1410 0001 1840 1393

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

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Thomas C. Cikotte
Division of Air Pollution Control

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Enclosure

pc: Allen 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	Allen	1.18.11	1.19.11
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT: ANONYMOUS
TELEPHONE <u>X</u>	INDUSTRIAL ___	HPF	Roger Tanner – 567.204.0059
VISIT ___	PARTICULATE ___		
LETTER ___	ODOR ___		SUSPECTED SOURCE OF EMISSIONS:
DCN ___	FUGITIVE DUST ___		Tim Toeppe & Jaemy Bassitt Tenants 729A West Main St. P.O. Box 110 Cairo, OH 45820
E-MAIL ___	OPEN BURNING <u>X</u>		T.J.S.T., LLC Property owners 8765 Mericle Rd. Fort Jennings, OH 45844 419.692.7191 – Ebbeskotte residence? 419.224.3690 – Steve Robey
OTHER ___	OTHER		
STATEMENT OF COMPLAINANT: Neighbor has been burning his garbage since September, when he moved in, and has never had trash service. He has a 55 gal drum partially buried in the ground to look like a fire ring behind his trailer. Complainant is in poor health and cannot jeopardize his health.			
STATEMENT OF SOURCE OPERATOR: None. No one home at time of inspection. (No one answered, I believe someone was home.)			
FINDINGS: JUSTIFIED <u>X</u> NOT JUSTIFIED ___ CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV both parties		DATE OF WRITTEN FOLLOW UP ___ 1.25.11	
CORRECTIVE ACTION AGREED TO BY SOURCE: None. No one home at time of inspection.			
COMMENTS: Caller says property owners are Steve & Pam Robey (“Row-Bee”): 4180 Sugar Creek Rd., Lima, OH 45807 - 419.224.3690. – Steve is part of TJST LLC. TJST LLC is incorporated by Teena Ebbeskotte, Steven M. Robey, Thomas D. Robey and Jeffrey A Robey. Observed a 55 gal drum buried half deep in the ground and had a lid on top. Drum was about 1/3 to 1/2 full of ash and contained evidence of paper, an aerosol can, what appeared to be foam pipe insulation, small pieces of metal wire and wood. Within 100’ (probably 80’) of adjacent residences in a restricted area.			

INVESTIGATOR(S): TCC

DATE RESOLVED: ___ 1.25.11



