



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

Tim Toeppe & Jaemy Bassitt
Tenants
729A West Main Street
P. O. Box 110
Cairo, Ohio 45820

Dear Mr. Toeppe & Ms. Bassitt:

This office received a complaint on January 18, 2011, concerning open burning being conducted on your property 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.

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.

Tim Toeppe & Jaemy Bassitt
January 25, 2011
Page 2

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

/llr

Enclosure

pc: Allen County Health Department\
Certified Receipt Number 7009 1410 0001 1840 1409

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

Re: Allen County
Open Burning Complaint
Notice of Violation

January 25, 2011

CERTIFIED MAIL

Tim Toeppe & Jaemy Bassitt
Tenants
729A West Main St.
P.O. Box 110
Cairo, OH 45820

Dear Mr. Toeppe & Ms. Bassitt:

This office received a complaint on January 18, 2011, concerning open burning being conducted on your property 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.

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.

Sincerely,

Thomas C. Cikotte

Division of Air Pollution Control

/

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



