



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: Ashland County
Open Burning Complaint

Notice of Violation

May 28, 2010

CERTIFIED MAIL

Michael & Melaina Vasel
Property Owners
442 Township Road 581
Sullivan, Ohio 44880

Dear Mr. & Mrs. Vasel:

This office received a complaint on May 24, 2010, concerning open burning being conducted on your property. My investigation shows a fire, approximately 8' in diameter, was used to burn wooden debris within 1000' of adjacent residences not on the property.

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 3745-19-04(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review.

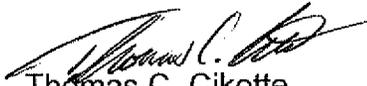
Please submit a written response to Ohio EPA, Northwest District Office indicating your understanding of the regulations and your commitment that no future illegal open burning will occur. Your response should be received by this agency no later than June 14, 2010.

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.

Michael & Melaina Vasel
May 28, 2010
Page 2

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

/lr

Enclosure

pc: Thomas C. Cikotte, DAPC-NWDO
Ashland County Health Department
Certified Receipt Number 7007 2560 0000 4485 7878

ec: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC-CO
Don Waltermeyer, DAPC-NWDO
Tom Sattler, DAPC-NWDO

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Division of Air Pollution Control

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Ashland County Health Dept.

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Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED																				
NWDO	Ashland	05/24/2010	5.25.10																				
<table border="0"> <tr> <td><u>TYPE</u></td> <td><u>AIR</u></td> <td><u>WATER</u></td> <td rowspan="8"> COMPLAINANT: (NAME, ADDRESS, PHONE #) Robert Bush 436 Township Road 581 Sullivan, Ohio 44880 (419) 651 - 3726 </td> </tr> <tr> <td>TELEPHONE <input checked="" type="checkbox"/></td> <td>INDUSTRIAL <input type="checkbox"/></td> <td>INDUSTRIAL <input type="checkbox"/></td> </tr> <tr> <td>VISIT <input type="checkbox"/></td> <td>PARTICULATE <input type="checkbox"/></td> <td>GROUND <input type="checkbox"/></td> </tr> <tr> <td>LETTER <input type="checkbox"/></td> <td>ODOR <input type="checkbox"/></td> <td>SEWAGE <input type="checkbox"/></td> </tr> <tr> <td>DCN <input type="checkbox"/></td> <td>FUGITIVE DUST <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> </tr> <tr> <td>E-MAIL <input type="checkbox"/></td> <td>OPEN BURNING <input checked="" type="checkbox"/></td> <td></td> </tr> <tr> <td>OTHER <input type="checkbox"/></td> <td>OTHER <input type="checkbox"/></td> <td></td> </tr> </table>	<u>TYPE</u>	<u>AIR</u>	<u>WATER</u>	COMPLAINANT: (NAME, ADDRESS, PHONE #) Robert Bush 436 Township Road 581 Sullivan, Ohio 44880 (419) 651 - 3726	TELEPHONE <input checked="" type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	VISIT <input type="checkbox"/>	PARTICULATE <input type="checkbox"/>	GROUND <input type="checkbox"/>	LETTER <input type="checkbox"/>	ODOR <input type="checkbox"/>	SEWAGE <input type="checkbox"/>	DCN <input type="checkbox"/>	FUGITIVE DUST <input type="checkbox"/>	OTHER <input type="checkbox"/>	E-MAIL <input type="checkbox"/>	OPEN BURNING <input checked="" type="checkbox"/>		OTHER <input type="checkbox"/>	OTHER <input type="checkbox"/>		SUSPECTED SOURCE OF EMISSIONS: Michael & Melaina Vassel Property owners 442 Twp Rd. 581 Sullivan, Ohio 44880 419.736.3190
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<p>STATEMENT OF COMPLAINANT: 05/24/10 (BR) – The complainant called DAPC to report his neighbor having a large fire on 05/22/10 that consisted of various materials, including wood, trash, carpet, etc. During the event, the complainant contacted the Ashland County Sheriff’s Department, who in turn dispatched the Sullivan Fire Department to have the fire extinguished. The complainant mentioned that his neighbor has received a warning letter previously (2003) from NWDO DAPC in regards to open burning violations. In past, when the complainant has attempted to resolve the burning issue with the neighbor, the neighbor commonly responds with “F the EPA” and “get the F off my property”. The complainant currently has a copy of the police report.</p> <p>The complainant also mentioned that he has no issues with the Sullivan Fire Department, but he is aware that they commonly pass out burn barrels to the community members.</p>																							
<p>STATEMENT OF SOURCE OPERATOR: None.</p>																							
<p>FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/></p>																							
<p>RECOMMENDATIONS: NOV <input type="checkbox"/> DATE OF WRITTEN FOLLOW UP <input type="checkbox"/> 5.28.10</p>																							
<p>CORRECTIVE ACTION AGREED TO BY SOURCE:</p>																							
<p>COMMENTS:</p> <p>04/24/10 – Forwarded to Tom Cikotte for review. Told the complainant that TC would be in touch.</p> <p>Contacted Sullivan FD, who sent me the run report. Fire was 8’ x 8’ and view from MSN Maps shows other residences within 1000’ ft., in an unrestricted area.</p> <p>Vasel has a history of issues with joe Grob, however, no NOV’s were ever sent.</p>																							
<p>INVESTIGATOR(S): _____ TCC _____ DATE RESOLVED: <input type="checkbox"/> 5.28.10</p>																							