

Re: Allen County
Open Burning Complaint

Notice of Violation

July 14, 2008

CERTIFIED MAIL

Jason Winegardner
709 South Seriff Rd.
Lima, Ohio 45805

Dear Mr. Winegardner:

This office received a complaint on July 2, 2008, concerning open burning being conducted on your property. The complaint was investigated by this office on July 9, 2008. Our investigation shows that construction and demolition debris, including coated wood and OSB, and landscaping waste has been burned on the property in the past.

Based on our 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 was provided to you during our inspection. Please submit a written response to Ohio EPA indicating your understanding of the regulations and your commitment that no future open burning will occur. Your response should be received by this agency no later than July 28, 2008.

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 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

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Enclosure

pc: Lisa Holscher, U.S. EPA Region V

Tom Kalman, DAPC - CO
Don Waltermeyer, DAPC - NWDO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO

Re: Allen County
Open Burning Complaint
Warning Letter

Certified Mail

July 11, 2008

Mr. James Feldman
561 South Seriff Rd.
Lima, Ohio 45805

Dear Mr. Feldman:

On July 2, 2008, this office received a complaint alleging that open burning was being conducted in your area. Our investigation shows that illegal open burning may have occurred on your property on June 24, 2008. Open burning, in almost all cases, is a violation of Ohio Administrative Code rule 3745-19 and likely a violation of local rules and ordinances. Ohio EPA regulations pertaining to open burning are enclosed for your perusal.

Please review these open burning rules thoroughly and, if you believe the complaint is either unjustified or the actions being conducted on your property do not constitute a violation of the rules, please contact me immediately. If there is any confusion with our rules or you have any additional questions, please do not hesitate to contact me via any of the means below. If I do not hear from you by July 18, 2008, Ohio EPA will take that as an indication that the complaint was justified, you now understand the open burning rules and no further open burning violations will occur.

Please be advised that 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 and/or if additional justified complaints are received after the receipt date of this letter.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

Phone: (419) 373-3137
Fax: (419) 352-8468
e-mail: thomas.cikotte@epa.state.oh.us

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enclosure

pc: Thomas C. Cikotte, DAPC - NWDO
ec: Tom Sattler, DAPC - NWDO

Re: Allen County
Open Burning Complaint
Warning Letter

Certified Mail

July 11, 2008

Mr. Jay Brown
555 South Seriff Rd.
Lima, Ohio 45805

Dear Mr. Brown:

On July 2, 2008, this office received a complaint alleging that open burning was being conducted in your area. Our investigation shows that illegal open burning may have occurred on your property on June 23, 2008. Open burning, in almost all cases, is a violation of Ohio Administrative Code rule 3745-19 and likely a violation of local rules and ordinances. Ohio EPA regulations pertaining to open burning are enclosed for your perusal.

Please review these open burning rules thoroughly and, if you believe the complaint is either unjustified or the actions being conducted on your property do not constitute a violation of the rules, please contact me immediately. If there is any confusion with our rules or you have any additional questions, please do not hesitate to contact me via any of the means below. If I do not hear from you by July 18, 2008, Ohio EPA will take that as an indication that the complaint was justified, you now understand the open burning rules and no further open burning violations will occur.

Please be advised that 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 and/or if additional justified complaints are received after the receipt date of this letter.

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pc: Thomas C. Cikotte, DAPC - NWDO
ec: Tom Sattler, DAPC - NWDO

Re: Allen County
Open Burning Complaint
Warning Letter

Certified Mail

July 11, 2008

Mr. William Pierce
708 Hollar Ave.
Lima, Ohio 45805

Dear Mr. Pierce:

On July 2, 2008, this office received a complaint alleging that open burning was being conducted in your area. Our investigation shows that illegal open burning may have occurred on your property on June 14, 2008. Open burning, in almost all cases, is a violation of Ohio Administrative Code rule 3745-19 and likely a violation of local rules and ordinances. Ohio EPA regulations pertaining to open burning are enclosed for your perusal.

Please review these open burning rules thoroughly and, if you believe the complaint is either unjustified or the actions being conducted on your property do not constitute a violation of the rules, please contact me immediately. If there is any confusion with our rules or you have any additional questions, please do not hesitate to contact me via any of the means below. If I do not hear from you by July 18, 2008, Ohio EPA will take that as an indication that the complaint was justified, you now understand the open burning rules and no further open burning violations will occur.

Please be advised that 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 and/or if additional justified complaints are received after the receipt date of this letter.

Sincerely,

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Division of Air Pollution Control

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enclosure

pc: Thomas C. Cikotte, DAPC - NWDO
ec: Tom Sattler, DAPC - NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Allen	7.2.08	7.9.08
<u>TYPE</u>	<u>AIR</u>		COMPLAINANT: (NAME, ADDRESS, PHONE #) ANONYMOUS: <u>X</u>
TELEPHONE <u>X</u>	INDUSTRIAL <u> </u>	HPF	Jan Bohmer 554 Hollar Ave. Lima, OH 45805
VISIT <u> </u>	PARTICULATE <u> </u>		419.222.1994
LETTER <u> </u>	ODOR <u> </u>		SUSPECTED SOURCE OF EMISSIONS:(INCLUDING PREMISE #)
DCN <u> </u>	FUGITIVE DUST <u> </u>		SOURCE OPERATOR: (NAME, ADDRESS, PHONE #) Intersection of Seriff Rd. & Makley Dr. American Twp, Ohio
E-MAIL <u> </u>	OPEN BURNING <u>X</u>		
OTHER <u> </u>	OTHER <u> </u>		
STATEMENT OF COMPLAINANT: The person who lives on the corner burns all the time. It smells like burning rubber but she knows they burn "wood and leaves and trash and stuff" too. She knows the American Twp FD and Elida FD have been out there in the past and talked to them but they just start to burn again that night. She believes the FD has even put fires out in the past. They just keep burning, it smells horrible, they have to close up their houses when they burn and there are two people in the area on oxygen.			
STATEMENT OF SOURCE OPERATOR: He is also a general contractor and occasionally brings dimensional lumber home to burn, not as disposal, as free wood. Says if he wants to dispose of it he has a dumpster he pays for trash service. Neighbors also bring their sticks over and relax around his fire ring.			
FINDINGS: JUSTIFIED <u> X </u> NOT JUSTIFIED <u> </u> CANNOT BE DETERMINED			
RECOMMENDATIONS: NOV, advise to make fire ring 3' in dia. DATE OF WRITTEN FOLLOW UP <u> 7.14.08 </u>			
CORRECTIVE ACTION AGREED TO BY SOURCE:			
COMMENTS: 7.2.08 – Spoke with American Twp FD Deputy Chief Keith Brickner (419.339.3921) who is supposed to be faxing me the run reports for all addresses in the general area by Monday, 7.7.08. Received 4 run reports from the American Twp FD. Addresses as follow: 555 S. Seriff Rd.; 561 S. Seriff Rd.; 610 S. Seriff Rd.; 708 Hollar Ave; 709 S. Seriff Rd.; 623 S. Seriff Rd.			
7.9.08: Jason Winegardner at 709 S. Seriff Rd. has a fire pit approximately 5' in diameter which he burns sticks and yard debris (from storms and fallen out of trees) in as well as recreational fires. Advised that the lumber is ok to burn but the green sticks should not be burned. Also, no coated trim or lumber, as was observed on the 7.9.08. Also advised that if neighbors burn on his property, he is liable for any illegal burns. He said he would tell the neighbors.			
Investigation also shows, via run reports from American Twp FD. That the following addresses should receive warning letters for burning: Feldman – 561 S. Seriff Rd.; Jay Brown – 555 S. Seriff Rd.; Pierce – 708 Hollar Ave.			

INVESTIGATOR(S): Thomas C. Cikotte

DATE RESOLVED: 7.11.08

