

Re: Ashland County
Open Burning Complaint

Notice of Violation

July 29, 2008

CERTIFIED MAIL

Richard & Robin Wiseman
Property Owners
276 Township Road 350
Sullivan, Ohio 44880

Dear Mr. & Ms. Wiseman:

This office received a complaint on July 9, 2008, concerning open burning being conducted on your property. The complaint was investigated by this office on July 28, 2008. Our investigation shows that a trailer recycling/scraping operation is being operated on the property and that the wooden byproducts are being burned along with household trash, including plastics.

Based on our findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This a violation of OAC rule 3745-19-04(A).

A copy of the OAC rules pertaining to open burning has been enclosed. 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 August 13, 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

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED																											
NWDO	Ashland	7.9.08 (e-mail to JG) 7.18.08 (JG to TCC)	7.28.08																											
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<p>STATEMENT OF COMPLAINANT: from e-mail: "I got your name from the EPA website as a contact for Ashland County regarding open burning. I am trying to find out how to report a violation in the open burning regulations. In a nutshell, a neighbor of mine apparently makes a living by stripping old mobile homes and selling the component parts, scrap, etc. As part of this process, there is nearly constant burning going on, sometimes late into the night. They are burning wood, plastic, and other construction debris. I have seen fiberglass insulation being burned as well. They are burning 4 or more days per week, by the dump-truck load. I have concerns about the environment, and about my health since I am next door and can often smell the smoke from inside my house. This is a residential community, zoned agricultural. I believe this burning is illegal, I would appreciate knowing how best to report it to the proper authorities."</p>																														
<p>STATEMENT OF SOURCE OPERATOR: Mr. Wiseman admits to burning some of the material from his salvaging operation. He said that he gets about one trailer every other week, they strip it down, burn the wood, save all the metal for scrap and throw the insulation away in a dumpster (which I verified). He said he checked with the Sullivan Fire Department and they said "what [he] could burn and what [he] can't, and [he] thought [he] was ok." He said that not being able to burn the wood was stupid because it was just wood.</p> <p>The Wiseman's then went on to explain that Mr. Wyse also burns in ways that I had described as illegal and that he also burns furniture. Investigation showed that complaint was justified and Mr. Wyse will have an OB write-up and NOV on file as well.</p>																														
<p>FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/></p>																														
<p>RECOMMENDATIONS: NOV</p>		<p>DATE OF WRITTEN FOLLOW UP <input type="checkbox"/> 7.29.08</p>																												
<p>CORRECTIVE ACTION AGREED TO BY SOURCE: Stop burning.</p>																														
<p>COMMENTS: Mr. & Mrs. Wiseman were very polite once I explained myself and they realized I was not going to arrest/fine them. They admitted to burning the scrap wood material and didn't think it was a problem. Observed the following in a burn hole about 20'L x 12'W x 6'D: Cardboard, dimensional lumber, small metal scraps, household trash with plastic, brush, OSB, coated wood, small pieces of insulation.</p> <p>Mrs. Wiseman also said that they may go back to working late into the night to annoy Mr. Wyse. I thought that should be recorded in this report.</p>																														

INVESTIGATOR(S): Thomas C. Cikotte

DATE RESOLVED: 7.29.08









