



State of Ohio Environmental Protection Agency

Northwest District Office

347 North Dunbridge Road
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468
www.epa.state.oh.us

Ted Strickland, Governor
Lee Fisher, Lieutenant Governor
Chris Korleski, Director

Re: Ashland County
Open Burning Complaint

Notice of Violation

July 29, 2008

CERTIFIED MAIL
7006 0100 0004 1318 5112

Wes Wyse
Property Owner
349 County Road 281
Sullivan, Ohio 44880

Dear Mr. Wyse:

This office received a complaint on July 28, 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 brush pile approximately eight feet in diameter has been burned on several occasions and allegations of furniture being burned may be able to be supported.

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 3745-19-04(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

/csl

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



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Re: Ashland County
Open Burning Complaint

Notice of Violation

July 29, 2008

CERTIFIED MAIL

7006 0100 0004 1318 5129

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 is 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.

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Thomas C. Cikotte
Division of Air Pollution Control

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Enclosure

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Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO

Re: Ashland County
Open Burning Complaint

Notice of Violation

July 29, 2008

CERTIFIED MAIL

Wes Wyse
Property Owner
349 County Road 281
Sullivan, Ohio 44880

Dear Mr. Wyse:

This office received a complaint on July 28, 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 brush pile approximately eight feet in diameter has been burned on several occasions and allegations of furniture being burned may be able to be supported.

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 3745-19-04(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.

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Division of Air Pollution Control

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Enclosure

pc: Lisa Holscher, U.S. EPA Region V
Tom Kalman, DAPC - CO
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Thomas C. Cikotte, DAPC - NWDO

**OHIO ENVIRONMENTAL PROTECTION AGENCY
COMPLAINT INVESTIGATION REPORT**

DISTRICT	COUNTY	DATE RECEIVED	DATE(S) INVESTIGATED
NWDO	Ashland	7.28.08	7.28.08
TYPE	AIR		COMPLAINANT: (NAME, ADDRESS, PHONE #)
TELEPHONE <input type="checkbox"/>	INDUSTRIAL <input type="checkbox"/>	HPF	Richard & Robin Wiseman 276 Township Rd 350 Sullivan, OH 44880 440.328.6394
VISIT <input checked="" type="checkbox"/>	PARTICULATE <input type="checkbox"/>		SUSPECTED SOURCE OF EMISSIONS: Wes Wyse 349 County Road 281 Sullivan, OH 44880 (419) 736-3259 (Home) (419) 736-3251 (Office)
LETTER <input type="checkbox"/>	ODOR <input type="checkbox"/>		
DCN <input type="checkbox"/>	FUGITIVE DUST <input type="checkbox"/>		
E-MAIL <input type="checkbox"/>	OPEN BURNING <input checked="" type="checkbox"/>		
OTHER <input type="checkbox"/>	OTHER		
STATEMENT OF COMPLAINANT: While investigating Mr. Wyse's complaint on the Wiseman's the Wiseman's explained to me that Mr. Wyse burns somewhat regularly and that he has been known to burn furniture. They stated that Mr. Wyse owns a store in town and that he occasionally brings home items and burns them, a lot of which is furniture.			
STATEMENT OF SOURCE OPERATOR: Mr. Wyse says the allegations of burning furniture are "completely false" but admits that he does burn his brush. He admits that he has burned in piles that are larger than allowed by the rules but he will make sure that that doesn't happen anymore. He said that he runs a store in town and that he has everything hauled off from the store.			
FINDINGS: JUSTIFIED <input checked="" type="checkbox"/> NOT JUSTIFIED <input type="checkbox"/> CANNOT BE DETERMINED <input type="checkbox"/>			
RECOMMENDATIONS: NOV		DATE OF WRITTEN FOLLOW UP <input type="checkbox"/> 7.29.08	
CORRECTIVE ACTION AGREED TO BY SOURCE: Stop burning illegally.			
COMMENTS: Neighborly dispute. Mr. Wyse admitted to burning and I believe he probably has burned furniture in the past, but not as frequently as the Wiseman's state. I did observe metal fasteners and springs that are consistent with furniture materials. He will receive an NOV as well.			

INVESTIGATOR(S): Thomas C. Cikotte

DATE RESOLVED: 7.29.08