



State of Ohio Environmental Protection Agency

Central District Office

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NOTICE OF VIOLATION

May 1, 2009

Tim Maggard
Maggard Nursery & Garden Center
5557 Washington Waterloo Road
Washington C. H., OH 45160

Dear Mr. Maggard:

This letter confirms my visit to an adjacent property to yours on April 29, 2009, wherein I observed that you were open burning in violation of Ohio Administrative Code(OAC) 3745-19. These actions are subject to fines and penalties.

Specifically, you were open burning landscape waste within 1,000 feet from the nearest inhabited building off said premises.

We are also noting that we sent you a Certified Letter for a similar violation on October 14, 2003.

We are also noting that we sent you a Certified Letter for a similar violation on June 30, 2004. This time you were also burning railroad ties, constructions materials and plastic materials.

We are also noting that on May 26, 2009, we sent you Final Findings and Orders to cease all open burning in violation of OAC Rule 3745-19-04.

This letter is not a final action of the Director of Ohio EPA and is intended only as a notification of a violation of the Ohio environmental laws and regulations. It does not preclude Ohio EPA or any other governmental entity from further enforcement action.

Should you have any questions regarding this correspondence, please do not hesitate to call me at (614) 728-3808.

Sincerely,

David Burroughs
Environmental Specialist
Division of Air Pollution Control
Central District Office

c: Chief Ron Huff, BPM Joint Fire District
Vernon Stanforth, Sheriff of Fayette County
Adam Ward, Ohio EPA, DAPC/CDO

DB/ct maggard5557washingtonwaterloo

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