



State of Ohio Environmental Protection Agency

STREET ADDRESS:

Lazarus Government Center
122 S. Front Street
Columbus, Ohio 43215

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MAILING ADDRESS:

P.O. Box 1049
Columbus, OH 43216-1049

CERTIFIED MAIL

JAN 08 2004

Mr. Jerry Vestal, d.b.a.
Vestal Excavating and Demolition
4140 Gilbert Road
Luckey, Ohio 43443

Re: Violations of OAC Rule 3745-19-04 (Open burning in unrestricted areas), at the property located at 8450 North Township Road 75 in Old Fort, Seneca County, Ohio

Dear Mr. Vestal:

My staff has informed me of the violations of Ohio Administrative Code ("OAC") Rule 3745-19-04 ("Open burning in unrestricted areas") and ORC § 3704.05(G), which have occurred on the property you rent at above-mentioned address. These violations continued despite past warnings from the Old Fort Fire Department ("OFFD") and the Northwest District Office ("NWDO") of Ohio EPA.

A warning letter citing a violation of OAC Chapter 3745-19 was sent to you on March 5, 2002 by NWDO. The warning letter requested that you submit a written response by March 18, 2002. To date, no response has been received by Ohio EPA. During an inspection on February 18, 2002, you informed the NWDO representative that the fire was started accidentally by an employee while cutting some scrap metal near the silo with a cutting torch. This open burning was in violation of OAC Rule 3745-19-04 and ORC § 3704.05(G).

On June 13, 2002, the OFFD received an anonymous complaint of open burning at the rented property. OFFD investigated the complaint and found a large uncontrolled burn at the property. Upon extinguishment of the fire, the OFFD noted a steel tank. Your representative at the facility stated the fire was started when trying to cut the steel tank and the rubber liner caught fire. This open burning was in violation of OAC Rule 3745-19-04 and ORC § 3704.05(G).

This letter is to inform you that no person shall cause or allow open burning in an unrestricted area except as specifically allowed by Ohio regulations. Open burning on the property in violation of Ohio EPA rules is not permissible. If any additional open burning occurs at the above-mentioned property that is rented by you, Ohio EPA will consider its enforcement options, which may include seeking monetary penalties up to the statutory limit of \$25,000 per day for each violation. Ohio EPA also may refer such violations to the Ohio Attorney General's Office for appropriate legal action.

Bob Taft, Governor
Jennette Bradley, Lieutenant Governor
Christopher Jones, Director

EPA is an Equal Opportunity Employee

This letter does not constitute a waiver of Ohio EPA's authority to seek civil penalties pursuant to ORC § 3704.06. Ohio EPA will make a decision on whether to pursue or decline to pursue such penalties regarding this matter at a later date.

Should you have any questions concerning this matter, please contact either Joe Grob, Air Pollution Control Division, NWDO, at (419) 373-3120 or Donald L. Vanterpool, Staff Attorney at Ohio EPA, at (614) 644-3037.

Sincerely,

A handwritten signature in black ink, appearing to read "Christopher Jones", is written over a light gray rectangular background.

Christopher Jones
Director

cc: Jim Orlemann, DAPC
Tom Kalman, DAPC
Urvi Doshi, DAPC
Donald L. Vanterpool, Legal Office
Gerald Rich/Joe Grob, NWDO
Old Fort Fire Department

CJ/JP/jp