





Environmental
Protection Agency

John R. Kasich, Governor
Mary Taylor, Lt. Governor
Scott J. Nally, Director

Re: Hardin County
Open Burning Complaint
Notice of Violation

December 20, 2011

Certified Mail 7009 1410 0001 1834 0623

Mr. John E. Bennett, Jr.
Property Owner
14771 County Road 209
Kenton, Ohio 43326

Dear Mr. Bennett:

On December 9, 2011, Ms. Amber Hicks of Ohio EPA's Division of Materials and Waste Management observed open burning being conducted on your property and the matter was forwarded to me to resolve. Based on her observations, your admission and my subsequent investigation, waste wood materials were burned along with automotive parts for the purpose of separating the metals and increasing their value when recycled. This was being done in an unrestricted area. Illegal open burning did occur and this is a violation of Ohio Administrative Code rule 3745-19-04(A).

This is the second time that violations of Ohio's open burning rules have been discovered on your property. In a letter dated April 30, 2009, it was explained that waste materials associated with the recycling business operation on site are not permitted. On May 18, 2009, Ohio EPA received your written response indicating your understanding of the open burning rules and your commitment that no further illegal open burning would occur on the property.

A copy of the OAC rules pertaining to open burning has been enclosed. Please, again, provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than January 9, 2012.

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 feel free to call me at (419) 373-3137 or e-mail me at thomas.cikotte@epa.state.oh.us.

Sincerely,

Thomas C. Cikotte
Division of Air Pollution Control

/cs
Enclosure

cc: Hardin County Health Department
William MacDowell, U.S. EPA Region V
ec: Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Amber Hicks - DMWM - NWDO

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