



Environmental
Protection Agency

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

Re: Sandusky County
Open Burning Complaint
Notice of Violation

November 28, 2011

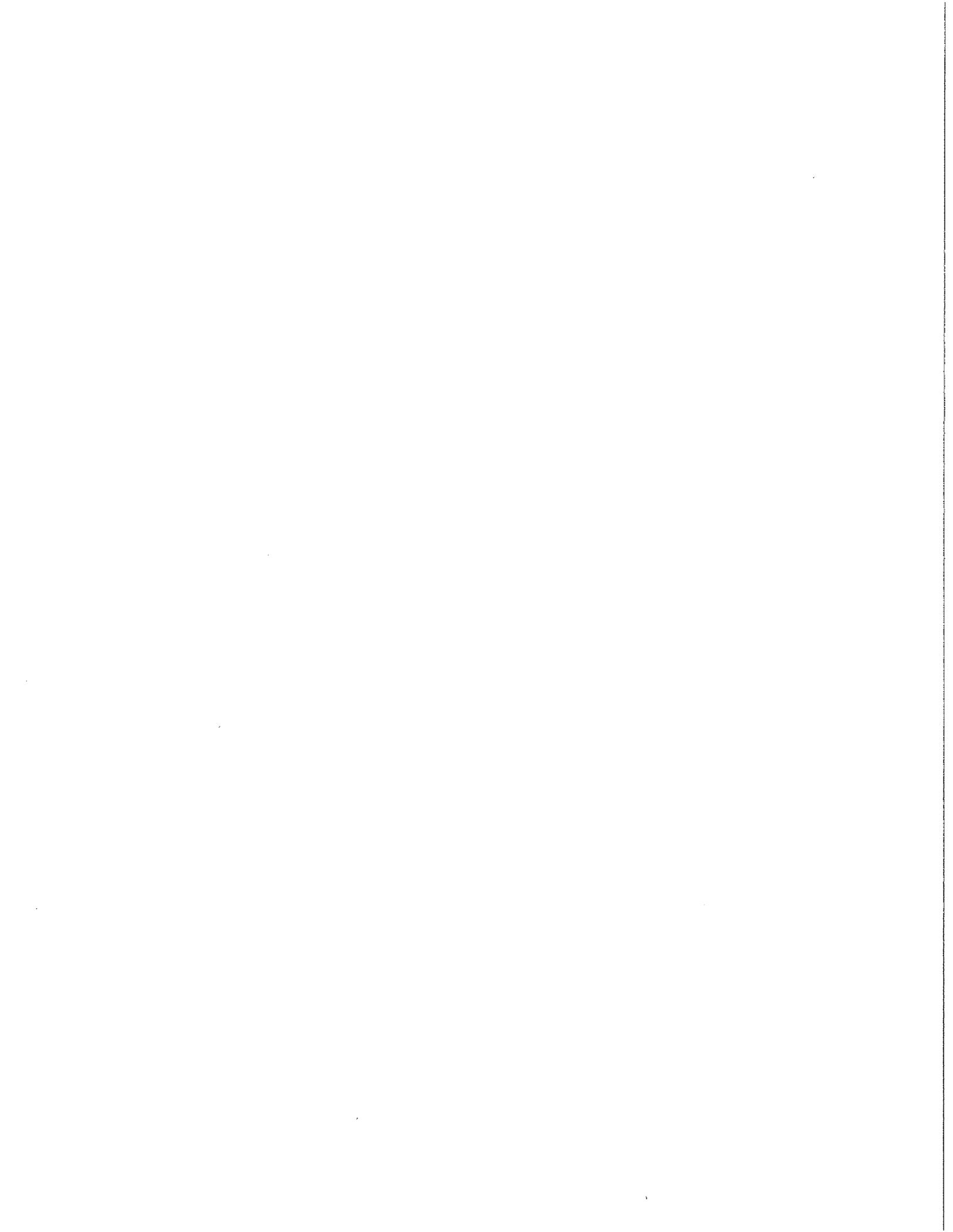
CERTIFIED MAIL

James & Carol Hardy
Property Owners
866 County Road 268
Clyde, Ohio 43410

Dear Mr. & Mrs. Hardy:

This office received a complaint on November 14, 2011, concerning open burning being conducted on your property. My investigation, conducted on November 22, 2011, shows that two burn sites exist on the property. One is approximately 4-5' diameter pile containing and the second consists of multiple burn barrels next to a 10' x 10' dog kennel which is used to contain burning debris. The pile in the front yard contained household trash with plastics, 20" box fan, automotive parts (muffler), aluminum cans, steel cans, aerosol cans, glass jars, plastic bottles and a children's inflatable pool. The area in the back yard consisted of two barrels, each approximately 85-90% full of household trash with plastics, steel cans, aerosol cans, aluminum cans, plastic products and glass products, immediately next to the dog kennel. Inside of the dog kennel was debris anywhere from 2-4" deep and contained the following: two older, completely full burn barrels, steel cans, aerosol cans, aluminum cans, plastic products, glass products, electronic products (VCR) a children's swing set and a stationary exercise bike.

Based on these 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 for your review and these rules apply to any property you own, operate on or control in the State of Ohio. This is now the second time Ohio EPA has sent you a notice of violation and the open burning rules. Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A). This office would also suggest the removal of the burn barrels, dog kennel and burned debris from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.



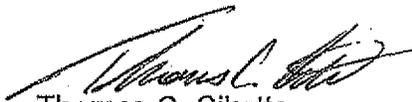
James & Carol Hardy
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Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than December 12, 2011.

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 at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/lr

Enclosure

pc: Brad Balduff, Sandusky County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 0203

ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO

