



**Environmental
Protection Agency**

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

Re: Mercer County
Open Burning Complaint
**Notice of Violation (NOV) &
Return to Compliance (RTC)**

March 6, 2012

CERTIFIED MAIL

Mr. Cory M. Seibert
Property Owner
5851 Burkettsville-St. Henry Road
Coldwater, Ohio 45828

Dear Mr. Seibert:

This office received a complaint on March 3, 2012, concerning open burning being conducted on your property. My investigation, conducted in part by the Mercer County Sheriff's Office, on March 3, 2012, shows the following materials were being burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: a wooden table; a wooden dresser; household trash including plastics; plastic bottles; diapers; aluminum cans; cardboard products; Styrofoam products; steel cans, and; glass jars.

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. 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 March 19, 2012.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

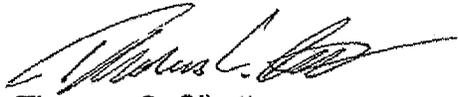
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

Mr. Cory M. Seibert
March 6, 2012
Page 2

The decision on whether to pursue or decline to pursue such penalties regarding this matter is dependent on several factors, one of which is your future compliance with applicable Ohio EPA requirements.

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: Chris Miller, Mercer County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1843 8085

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