



**Environmental
Protection Agency**

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

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

March 27, 2012

CERTIFIED MAIL

Calestine L. & Dane Michael Schwartz
Property Owners
20670 US Highway 6
Weston, Ohio 43569

Dear Mr. & Mrs. Schwartz:

On, March 20, 2012, employees of this office observed open burning being conducted on your property and the complaint was forwarded to me to resolve. My investigation, conducted on, March 21, 2012, shows you are the registered owners for three contiguous parcels of property which contain four separate main structures; two residences and two businesses. Wood County parcel X77-509-230000017001 contains Adventure Motor Cycle (DBA: Indian Motorcycle Weston, listed at 20660 US Hwy 6 in Weston, OH) and Schwartz Septic and Excavating (listed at 20670 US Hwy 6 in Weston, OH). Wood County parcel X77-509-230000017002 contains as residence (also listed at 20670 US Hwy 6 in Weston, OH) and Wood County parcel X77-509-230000017000 also contains a residence (listed at 20596 US Hwy 6 in Weston, OH). The various residents and businesses on all three parcels use one communal burn site to burn various types of waste. A burn site approximately 6' x 8', enclosed by metal fence on three sides, was found to contain the following materials: ash, household trash with plastics, brush, plastic motor oil containers, oil filters, aerosol cans, steel cans, solvent containers, paper products and cardboard boxes. The burn site is within 1000' of adjacent residences and is in an unrestricted area.

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 Ohio Administrative Code (OAC) rule 3745-19-04(A).

A copy of the OAC rules pertaining to open burning has been enclosed for your review. To be clear, no commercial business is permitted to burn any type of material for disposal in Ohio.

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Also, per review of the Wood County Auditor's parcel map, there is no place on any of the parcels which would allow for the burning of residential or agricultural wastes it is not possible to meet the 1000' setback requirement identified in OAC rule 3745-19-04(B)(3).

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, April 11, 2012.

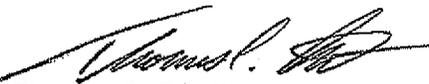
Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

This office would also suggest the removal and proper disposal of the wastes and enclosure from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

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. 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

/cg

Enclosure

pc: Wood County Health Dept.
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118438207

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