





**Environmental
Protection Agency**

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

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

March 26, 2012

CERTIFIED MAIL

Mr. Jason Winegardner
Property Owner
709 Seriff Road.
Lima, Ohio 45805

Dear Mr. Winegardner:

This office received a complaint on March 20, 2012, concerning open burning being conducted on your property. My investigation, conducted on March 21, 2012, shows construction and demolition debris from your business was burned for disposal purposes within 1000' of adjacent residence 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 OAC rule 3745-19-04(A). Similar violations were also discovered by Ohio EPA on your property on July 9, 2008, and a NOV, along with Ohio's open burning rules, was sent to you on July 11, 2008, for those violations.

A copy of the OAC rules pertaining to open burning has again 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 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.

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.

Jason Winegardner
March 26, 2012
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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: Allen County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118438269

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