





**Environmental
Protection Agency**

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

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

March 27, 2012

CERTIFIED MAIL

Virgil & Melva Jean Behnfeldt
Property Owners
17391 King Road
Bowling Green, Ohio 43402

Dear Mr. & Mrs. Bhenfeldt:

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 landscape wastes were 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).

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, 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.

Virgil & Melva Jean Behnfeldt
March 27, 2012
Page 2

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 70091410000118438252

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