



**Environmental
Protection Agency**

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

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

March 30, 2012

CERTIFIED MAIL

Mr. Jose Rodriguez
Property Owner
2502 Campbell Street
Sandusky, Ohio 44870

Dear Mr. Rodriguez:

This office received a complaint from the Perkins Township Fire Department (PTFD) on March 29, 2012, concerning open burning being conducted on your property on March 20, 2012. My investigation, conducted in part by the PTFD, on March 20, 2012, shows copper wire was being burned to remove the insulation and increase the value when recycling. The fire to burn the wire was fueled by landscape wastes which were not dried and this occurred in a restricted area, where the burning of landscape wastes is not permitted.

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 both Ohio Administrative Code (OAC) rule 3745-19-03(A) and Ohio Revised Code (ORC) 3704.05. This is at least the sixth time that the Ohio EPA has received complaints from the PTFD for similar violations and at least the third time that Ohio EPA has informed you that these types of fires are in violation of Ohio's open burning rules. Be aware that similar situations have resulted in this agency taking elevated enforcement action, which may include, but is not limited to, fines in a civil action.

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 16, 2012.

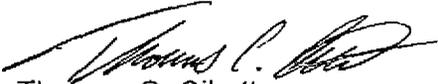
Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

Jose Rodriguez
March 30, 2012
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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: Erie County Health Dept.
Thomas C. Cikotte, DAPC – NWDO
CERTIFIED MAIL RECEIPT NUMBER 70091410000118438160

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