



**Environmental
Protection Agency**

John D. Kasich, Governor
Mary Taylor, Lt. Governor
Scott L. Malby, Director

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

March 29, 2012

CERTIFIED MAIL

Mayor Mark Wolford
Tenant
326 E. Main St.
Portage, OH 43451

Dear Mr. Wolford:

This office received a complaint on March 22, 2012, concerning open burning being conducted on your property. My investigation, conducted on, March 27, 2012, shows unseasoned pine branches were burned in a 4' diameter burn site for disposal purposes in a restricted 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 both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05. Violations were also discovered by Ohio EPA on your property on or about, October 6, 2012 and a NOV, along with Ohio's open burning rules, was sent to you on, October 28, 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 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.

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.

Mayor Mark Wolford
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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
CERTIFIED MAIL RECEIPT NUMBER 70091410000118438177
/cg

Enclosure

pc: Wood County Health Dept.
Thomas C. Cikotte, DAPC – NWDO

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