



**Environmental
Protection Agency**

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

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

May 10, 2012

CERTIFIED MAIL

Donald & Betty James
Property Owners
1643 Linn-Hipsher Road
Marion, Ohio 43302

Dear Mr. & Mrs. James:

This office received a complaint on May 7, 2012, concerning open burning being conducted on your property. My investigation, conducted on May 9, 2012, shows two burn sites located in the back yard were used to burn various materials for disposal within 1000' of adjacent residences. A metal barrel was found approximately 1/3 full of ash and also contained pieces of fiberglass insulation and something that looked like the outside of drywall or wall board. Inside the tire rim was ash along with miscellaneous metal parts and burned electrical wire. These materials are believed to have come from a partially demolished camper trailer which is on site.

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 September 7, 2011 and a NOV, along with Ohio's open burning rules, was sent to you on September 9, 2011, for those violations.

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 May 28, 2012.

To be clear, you are not permitted to burn any wastes on your property because you cannot stay on the property and meet the 1000' minimum distance from adjacent inhabited structures, as identified in OAC rule 3745-19-04(B)(3)(c).

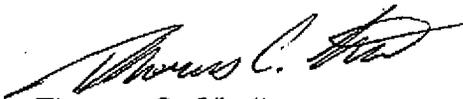
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Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

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.

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

/llr

Enclosure

pc: Marion County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 2580

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