



**Environmental  
Protection Agency**

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

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

May 8, 2012

**CERTIFIED MAIL**

Chris & Stephanie Butler  
Property Owners – Land contract  
519 Columbia Street  
Montpelier, Ohio 43543

Dear Mr. & Ms. Butler:

This office received a complaint on May 2, 2012, concerning open burning being conducted on your property. My investigation, conducted on May 4, 2012, shows the following materials were burned for disposal purposes within 1000' of adjacent inhabited structures in an unrestricted area: steel cans; aluminum cans; miscellaneous metal parts; one tire; household trash with plastics; glass bottles; paper, and; cardboard products.

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. Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(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 May 24, 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.

Chris & Stephanie Butler  
May 8, 2012  
Page 2

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/cg

Enclosure

pc: Williams County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118438030

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