

**Environmental
Protection Agency**

John R. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott L. Matly, **Director**

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

April 24, 2012

CERTIFIED MAIL

Mr. Jim Cheney
J.C. Building Maintenance
P.O. Box 92
338 County Highway 35
McCutchenville, Ohio 44844

Dear Mr. Cheney:

This office received a complaint on April 19, 2012, concerning open burning being conducted by your organization. My investigation, conducted on April 23, 2012, shows the residential structure at 11642 County Road 34 in Green Springs, Ohio, the surrounding landscape wastes were burned for disposal purposes 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 both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio, without written permission from Ohio EPA. 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 10, 2012.

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

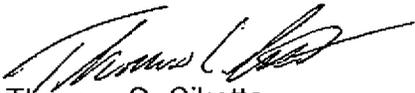
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

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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: Seneca County Health Dept.
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118438979

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