

**Environmental
Protection Agency**

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

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

April 24, 2012

CERTIFIED MAIL

Ms. Rebecca Brotherwood
Property Owner
14396 State Route 116
Van Wert, Ohio 45891

Dear Ms. Brotherwood:

This office received a complaint on April 17, 2012, concerning open burning being conducted on your property. My investigation, conducted in part by the Van Wert County General Health District, shows residential wastes including plastics were burned for disposal purposed within 1000' of adjacent residences 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. 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. 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). Your response is requested no later than May 10, 2012.

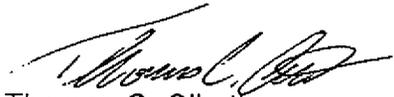
Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

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. 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.

Ms. Rebecca Brotherwood
April 24, 2012
Page 2

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

/lr

Enclosure

pc: Jason Menchhofer, Van Wert County General Health District.
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1843 8832

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