



**Environmental
Protection Agency**

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

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

April 24, 2012

CERTIFIED MAIL

Mr. Don Wiley, Board President
Marion Country Club Investors, LLC.
2415 Crissinger Road
Marion, Ohio 43302

Dear Mr. Wiley:

This office received a complaint on April 20, 2012, concerning open burning being conducted on your property. My investigation, conducted on April 23, 2012, shows that land clearing wastes and/or landscape wastes were burned for disposal purposes on Marion Country Club property.

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 again been enclosed for your review. You were last sent these rules on October 28, 2009, when they were enclosed with a warning letter which indicated, "To be clear, there are no wastes generated by the Marion Country Club that can be burned without written permission from the 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

/l/r

Enclosure

pc: Marion County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1843 8801

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