



**Environmental  
Protection Agency**

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

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

April 23, 2012

**CERTIFIED MAIL**

Mr. Todd Ward, Owner  
Todd Ward Trucking and T&T Transport  
12 County Road 700  
West Salem, Ohio 44859

Dear Mr. Ward:

This office received a complaint on April 12, 2012, concerning open burning being conducted on property you lease at 262 State Route 511 in Nova, Ohio. My investigation, conducted on April 17, 2012, shows the following materials were burned for disposal purposes within 1000' of adjacent residences in a restricted area: 40-42 tires, three mattresses, brush, stumps, home electronics, an unknown material containing fiberglass, automotive parts, two metal 55 gal drums, glass bottles, steel cans, aluminum cans, aerosol cans, and pallets.

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 3745-19-03(A) and Ohio Revised Code (ORC) 3704.05.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. A similar letter and the OAC rules are also being sent to Ms. Laura Anderson because she, as the property owner, may be ultimately be held liable for current and future violations. 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 9, 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.

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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: Ashland County Health Dept.  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118438993

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