



State of Ohio Environmental Protection Agency

**Northwest District Office**

347 North Dunbridge Road  
Bowling Green, OH 43402-9398

TELE: (419) 352-8461 FAX: (419) 352-8468  
www.epa.state.oh.us

Ted Strickland, Governor  
Lee Fisher, Lieutenant Governor  
Chris Korleski, Director

Re: Wood County  
Open Burning Complaint  
Notice of Violation

June 6, 2008

**CERTIFIED MAIL**  
7006 0100 0004 1318 4290

Joseph Bates  
Bates Recycling  
12729 Jerry City Rd.  
Cygnet, Ohio 43413

Dear Mr. Bates:

This office received a complaint on June 5, 2008, concerning open burning being conducted on your property. The complaint was investigated by this office on June 5, 2008. Our investigation shows that a metal tank was being sheered apart when it caught fire. The fire was allowed to remain burning and no attempt was made to extinguish the fire.

Based on our findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. This a violation of OAC rule 3745-19-04(A).

A copy of the OAC rules pertaining to open burning has been enclosed. Please submit a written response to Ohio EPA indicating your understanding of the regulations and your commitment that no future open burning will occur. Your response should be received by this agency no later than June 20, 2008.

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.

If you have any questions concerning this letter or the regulations, please 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  
/csl

**Enclosure**

pc: Lisa Holscher, U.S. EPA Region V  
Tom Kalman, DAPC - CO  
Don Waltermeyer, DAPC - NWDO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC - NWDO