



Environmental  
Protection Agency

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

Re: Ottawa County  
Open Burning Complaint  
**Notice of Violation**

October 12, 2011

CERTIFIED MAIL

Mr. Jeff Moffitt, Tenant  
P.O. Box 234  
14680 West Second Street  
Rocky Ridge, Ohio 43458

Dear Mr. Moffitt:

This office received a complaint on October 1, 2011, concerning open burning being conducted on the property you own at 14680 West Second Street in Rocky Ridge, Ohio, and is occupied by Mr. Jeff Moffitt. My investigation, conducted on October 5, 2011, shows a burn site toward the rear of the property, about 10' x 15', half surrounded by metal chain link fence with metal slats in it, contained evidence of the following materials being burned for disposal within 1000' of adjacent residences in a restricted area: brush, shingles, household trash with plastics, aerosol cans, vinyl flooring, misc. metal parts, steel cans, aluminum cans, carpet and aluminum roaster pans.

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 OAC rule 3745-19-03(A). 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 Michael Moffitt because he, 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 October 27, 2011.

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.

Mr. Jeff Moffitt, Tenant  
October 12, 2011  
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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/llr

Enclosure

pc: Ottawa County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 1675

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