



**Environmental
Protection Agency**

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

Re: Sandusky County
Open Burning Complaint
Notice of Violation

September 30, 2011

Certified Mail 7009 1410 0001 1834 0722

Mr. William D. Smith
Property Owner
499 St. Joseph Street
Fremont, Ohio 43420

Dear Mr. Smith:

This office received a complaint on September 19, 2011, concerning open burning being conducted on property you own but is operated by Washusky Farms LTD near the intersection of State Route 600 and State Route 20 (Sandusky County Parcel #345000592700, and several adjacent parcels). My investigation, conducted on September 22, 2011, shows land-clearing debris was burned in multiple piles on multiple parcels for disposal purposes, within 1000' of adjacent residences, without permission from Ohio EPA and without the use of an air curtain destructor.

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 3745-19-04(A). A copy of the OAC rules pertaining to open burning has been enclosed for your review because you, as the property owner, may be held liable for current and future violations. It is your responsibility to clearly communicate the open burning rules to those operating on your property and it is ultimately your responsibility to ensure that future violations do not occur on your property.

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 12, 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.

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

/cs

Enclosure

pc: Sandusky County Health Department
Thomas C. Cikotte, DAPC - NWDO
ec: William MacDowell, U.S. EPA Region V
Tom Kalman, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO

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