



**Environmental
Protection Agency**

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

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

July 12, 2012

CERTIFIED MAIL

Robert & Lisa McCullough
Tenants
6740 County Road C
Delta, Ohio 43515

Dear Mr. & Mrs. McCullough:

On June 28, 2012, while in the area on other business, Mr. Luke Stoll and I observed a plume of black smoke that we felt warranted investigation and we tracked the plume of smoke to your property. Upon our arrival we determined that illegal open burning was being conducted on your property. Our investigation shows an approximately five foot diameter burn pile contained the following materials which were being burned for disposal within 1000' of adjacent houses in an unrestricted area: cardboard, brush, a mattress, steel cans, aluminum cans, pieces of linoleum flooring miscellaneous metal parts, construction and demolition debris and household trash including plastics.

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.

While on site I discussed the rules with Mrs. McCullough and stated that she was OK to burn some materials on the property because the burn site was more than 1000' from the neighbor to the west, however, I was unaware of the neighbor to the east until I was leaving. To be clear, you must be at least 1000' from any adjacent inhabited structure not located on your property, including your neighbor to the east. After reviewing the Fulton County Auditor's area maps, to meet the 1000' setback requirement you will need to move your burn site almost all the way to the northern most boundary of your property. It is your responsibility to assure that you meet the 1000' setback distance before having fires of this type in the future. Also, be advised that future fires must comply with all of the requirements in OAC rule 3745-19-04(B)(3).

A copy of the OAC rules pertaining to open burning has been enclosed for your review.

Mr. and Mrs. McCullough
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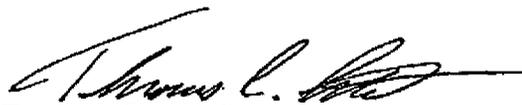
Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than July 30, 2012.

Because the fire was extinguished the next day, 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. 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

/cg

Enclosure

pc: Fulton County Health Dept.
Thomas C. Cikotte, DAPC – NWDO
Certified Receipt Number 70091410000118346076

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