

**Environmental  
Protection Agency**

John E. Kasich, **Governor**  
Mary Taylor, **Lt. Governor**  
Scott J. Malby, **Director**

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

July 17, 2012

**CERTIFIED MAIL**

Danny & Diane Hill  
Property owners  
4079 First Street  
McComb, Ohio 45858

Dear Mr. & Mrs. Hill:

This office received a complaint on July 9, 2012, concerning open burning being conducted on your property. My investigation, conducted on July 11, 2012, shows the following:

- Three burn site are located in the southeast corner of the property,
- Site one is a burn pile approximately 2-3' in diameter where you admitted mostly copper wire was regularly burned to improve its scrap value.
- Site two is a burn barrel containing signs of household wastes including plastics, aluminum foil and brush.
- Site three is located along the creek bank, approximately 3-4' lower than the main yard and 12-18" above the creek bed. There was some flowing water in the creek, however, it is evident the water level was very low, probably due to recent drought conditions. The ground the burn site was on was fenced with heavy gauge farm fence (pig fence) and was mostly reclaimed and filled in with burnt waste. I believe a high water level would wash most of the material in the fenced in an area away and that was evident as debris and solid waste was observed along the creek banks downstream. Material observed in the fenced in area include evidence of a tire with the rim still on, large pieces of carpet, picture frames, several bags of household trash including plastics, brush, steel cans, a vase or lamp and construction and demolition debris.
- All three sites are located within 1000' of adjacent residences in an unrestricted area. There are no points on the property where one would be able to meet or exceed the 1000' setback requirement identified in Ohio Administrative Code (OAC) rule 3745-19-04(B)(3), therefore, residential wastes are not permitted to be burned on the property.

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 OAC rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. 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 31, 2012.

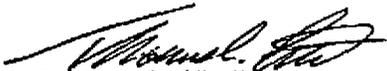
Mr. & Mrs. Hill  
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Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance with the Division of Air Pollution Control's regulations. However, due to the conditions observed on the property, this matter will also be forwarded to the Ohio EPA's Division of Surface Water, Ohio EPA's Division of Materials and Waste Management and possibly the Hancock County health Department.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/cg

Enclosure

pc: Lindsay Summit, Hancock County Health Dept.  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118345239

ec: William MacDowell, U.S. EPA Region V  
Bruce Weinberg, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC – NWDO  
Jeremy Scoles, DMWM – NWDO  
Michelle Sharp, DSW – NWDO