



**Environmental  
Protection Agency**

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

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

July 18, 2012

**CERTIFIED MAIL**

Mr. Dorsey Leonhardt  
Leonhardt Farms, Inc.  
6101 Lower Leesville Road  
Crestline, Ohio 44827

Dear Mr. Leonhardt:

This office received a complaint on July 2, 2012, concerning open burning being conducted on property owned by Ms. Amber Millenbaugh but was under your control at the time of the incident in question. The property in question is Crawford County parcel number 25-0005732.001, located on Lower Leesville Road in Crestline, Ohio. My investigation shows that, on behalf or at the direction of Ms. Millenbaugh, you cleared an approximately 15 acre wooded area on the property for development of additional agricultural land, sold the viable logs and burned the remaining land clearing waste. Burning occurred without permission from the Ohio EPA and without the use of an air curtain destructor. Burning started on the property on June 25, 2012. On July 3, 2012, at the request of the Ohio EPA, the Jefferson Township Fire Department (JTFD) attempted to access the property to extinguish the fire; however, you blocked their access with multiple pieces of excavating equipment and refused them access. After access was eventually gained you refused to cooperate and assist in extinguishing the fire. The fire was finally extinguished on July 7, 2012. These violations occurred in an unrestricted area.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. Each day identified above constitutes a violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

This is the second time that violations of Ohio's open burning rules have been discovered on your property or property under your control. Ohio's open burning rules were also enclosed with the notice of violation previously sent to you, dated March 26, 2008. On April 8, 2008, Ohio EPA received a written response, on your behalf from your attorney, Neil A. McKown, indicating, "At this point and for all future times please be assured my clients are fully aware of and advised regarding the applicable regulations. All employees, agents, officers and shareholders of the corporation have been briefed as to the applicable requirements for open burning. Your agency can rest assured that there will be no future violations of these regulations and that henceforth the open burning regulations will be strictly adhered to by my clients;"

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A copy of the OAC rules pertaining to open burning has again been enclosed for your review. Please also be aware that a similar letter and the OAC rules are also being sent to Ms. Amber Millenbaugh because she, as the property owner, may be ultimately be held liable for current and future violations. Note that there have been changes to the rules since the last time you received a copy. 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 an explanation before responding. Your response is requested no later than August 3, 2012.

Because the fire has been extinguished, 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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/llr

Enclosure

pc: Crawford County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 6106

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