



**Environmental  
Protection Agency**

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

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

July 19, 2012

**CERTIFIED MAIL**

Mr. Fred Culver  
Property Owner  
5539 State Highway 294  
Harpster, Ohio 43323

Dear Mr. Culver:

On July 12, 2012, an Ohio EPA employee observed open burning being conducted on your property and the matter was forwarded to me to resolve. Based on these observations and my subsequent investigation, the remnants of a barn damaged by recent storms, the straw in the barn and some asphalt shingles were being burned for disposal in an excavated hole. This 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. This is a violation of both Ohio Administrative Code (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 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.

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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

/lr

Enclosure

pc: Wyandot County Health Department  
Thomas C. Cikotte, DAPC - NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 6137

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