



**Environmental
Protection Agency**

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

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

May 22, 2012

CERTIFIED MAIL

Ms. Rebecca Brotherwood
Property Owner
14396 State Route 116
Van Wert, Ohio 45891

Dear Ms. Brotherwood:

This office received a complaint on May 18, 2012, concerning open burning again being conducted on your property. My investigation shows three separate fires occurred, simultaneously, on the property that day. The first fire was described as construction and demolition debris from an ongoing renovation project. The second fire was described as a pile of household trash including plastics, measuring approximately 15' in diameter and three feet deep. The third involved a utility trailer, approximately eight feet by ten feet, with the tires still on it. All three fires were for disposal purposes and occurred within 1000' of adjacent residences in an unrestricted area. This event occurred approximately three weeks after you received a NOV from Ohio EPA indicating that your past open burning practices were violations of Ohio's open burning rules.

Based on these findings, there is sufficient evidence to determine that illegal open burning occurred again 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 June 7, 2012.

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

Ms. Rebecca Brotherhood
May 22, 2012
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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: Jason Menchhofer, Van Wert County General Health District.
Thomas C. Cikotte, DAPC – NWDO

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