



**Environmental  
Protection Agency**

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

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

September 18, 2012

**CERTIFIED MAIL**

Mr. Larry Irving  
L.J. Irving & Sons, Inc.  
13-899 County Road  
Napoleon, Ohio 43545

Dear Mr. Irving:

This office received a complaint on September 14, 2012, concerning open burning being conducted on the property of Brad & Brenda Atkinson in Napoleon, Ohio. My investigation, conducted on September 17, 2012, shows your company demolished a barn and burned the debris on site for disposal in an area you excavated.

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 October 4, 2012.

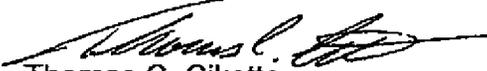
Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

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

/cg

Enclosures

pc: Henry County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118345925

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