



**Environmental
Protection Agency**

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

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

August 31, 2012

CERTIFIED MAIL

Mr. Jeff Moffitt
Tenant
P. O. Box 234
14680 West Second Street
Rocky Ridge, Ohio 43458

Dear Mr. Moffitt:

This office received a complaint on August 23, 2012, concerning open burning being conducted on your property. My investigation, conducted on August 27, 2012, shows two illegal burn sites exist on the property. The first is approximately 10' in diameter and contained evidence of miscellaneous metal parts, landscape wastes, a metal picnic bench with wood and plastic parts, and what is believed to be the remains of an upholstered sofa sleeper having been burned for disposal purposes. The second site is located in the driveway, is approximately four feet in diameter and contained evidence of landscape wastes and miscellaneous metal parts believed to be from upholstered furniture having been burned for disposal. Both locations are located in a restricted 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 3745-19-03(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 September 14, 2012. A similar letter and the OAC rules are also being sent to Michael Moffitt because he, as the property owners, may be ultimately be held liable for current and future violations.

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

Mr. Jeff Moffitt
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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

/llr

Enclosure

pc: Ottawa County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 5369

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