



**Environmental
Protection Agency**

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

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

September 14, 2012

CERTIFIED MAIL

Mr. Todd Kaple
Property Custodian
3106 State Route 6
Sandusky, Ohio 44870

Dear Mr. Kaple:

This office received a complaint on September 5, 2012, concerning open burning being conducted on the property adjacent to yours, owned by James & Lucinda Duncan (Erie County parcel 33-01083.000), which you maintain. My investigation, conducted on September 12, 2012, shows that a tree was cut down and the waste limbs and unwanted materials were burned for disposal within 1000' of adjacent residences 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 October 1, 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.

Mr. Todd Kaple
September 17, 2012
Page 2

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: Erie County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011 3500 0000 8204 2630

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