



**Environmental
Protection Agency**

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

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

September 17, 2012

CERTIFIED MAIL

Mr. Jose Rodriguez
Property Owner
2502 Campbell Street
Sandusky, Ohio 44870

Dear Mr. Rodriguez:

This office received a complaint from the Perkins Township Fire Department (PTFD) on September 7, 2012, concerning open burning being conducted on your property on September 5, 2012. My investigation, conducted in part by the PTFD, on September 12, 2012, shows that copper wire was burned in a fire which you maintain was being used for cooking purposes. You also maintain that the wire must have come from a book, which you used to start the fire.

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. This is at least the seventh time that the Ohio EPA has received complaints from the PTFD for similar violations and at least the fourth time that Ohio EPA has informed you that these types of fires are in violation of Ohio's open burning rules. Be aware that elevated enforcement action, which may include, but is not limited to, monetary fines, may result from this event and past events.

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.

Mr. Jose Rodriguez
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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: Erie County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7011 3500 0000 8204 2661

ec: William MacDowell, U.S. EPA Region V
Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Keith Eastman, Perkins Twp. Fire Dept.