

**Environmental  
Protection Agency**

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

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

August 30, 2012

**CERTIFIED MAIL**

Mr. Don Hauenstein  
Property Custodian  
424-23 East Sycamore Street  
Columbus Grove, Ohio 45830

Dear Mr. Hauenstein:

This office received a complaint on August 14, 2012, concerning open burning being conducted on the property at 5950 Bentley Road in Bluffton, Ohio. Records indicate that the property is owned by Mr. William G. Hauenstein, however, per your admission, you are the primary custodian of the property. My investigation, conducted on August 23, 2012, shows that a brush pile was burned for disposal, which would have been allowed under Ohio's open burning rules, however, the fire also involved several other materials in the process. The following materials were also burned for disposal: three to four tractor tires (diameter unknown); shingles; a mattress; misc. metal parts; automotive parts; agricultural fencing and; three to four standing trees.

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 September 14, 2012.

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

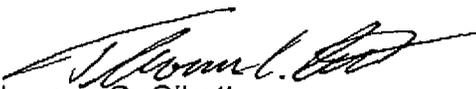
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06.

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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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,

  
Thomas C. Cikotte  
Division of Air Pollution Control

/cg

Enclosure

pc: Allen County Health Dept.  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7011350000082042715

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