



**Environmental  
Protection Agency**

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

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

August 23, 2012

**CERTIFIED MAIL**

Mr. Ace Elsea, Chairman  
Elsea Inc.  
Property Owner  
2015 Stoneridge Drive  
Circleville, Ohio 43113

Dear Mr. Elsea:

This office received a complaint on August 17, 2012, concerning open burning being conducted on your property, Fostoria Mobile Estates, locates at 5473 North Township Road 63 in Fostoria, Ohio. My investigation, conducted on August 22, 2012, shows the following materials were burned for disposal purposes in an unrestricted area, within 1000' of adjacent residences: construction and demolition debris from multiple house trailers, dimensional lumber, vinyl siding, carpet, fiberglass and cellulose insulation, household trash with plastics, vinyl flooring, linoleum flooring, upholstered furniture, brush, glass, Plexiglas and two to three (2-3) tires.

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 because you, as the property owner, may be held liable for current and future violations. It is your responsibility to clearly communicate the open burning rules to your employees and your tenants. It is ultimately your responsibility to ensure that future violations do not occur on your property.

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 10, 2012.

Mr. Ace Elsea, Chairman  
August 23, 2012  
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Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance regarding the open burning violations. Regarding the disposal of the remaining demolition debris, that issue may fall under the jurisdiction of either Ohio EPA's Division Materials & Waste Management (DMWM) or the local county's health department. In either regard, this matter will be referred to DSIWM for their involvement and they may contact you regarding this matter. Should you have any questions pertaining to their involvement, please feel free to contact either Mike Reiser, at (419) 373-3126, or Jeremy Scoles, at (419) 373-3079. Mr. Reiser or Mr. Scoles will be able to put you in touch with the appropriate staff member or regulating agency. This office would suggest the removal and proper disposal of the remaining material from the property as soon as possible to reduce or eliminate the possibility of misinterpreting past violations as new violations and to reduce the chances of new materials being added to the area by tenants or employees.

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

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/llr

Enclosure

pc: James Mohrman, Seneca County Health Department  
Thomas C. Cikotte, DAPC - NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 5611  
ec: William MacDowell, U.S. EPA Region V  
Bruce Weinberg, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC - NWDO  
Jeremy Scoles, DMWM - NWDO  
Mike Reiser, DMWM - NWDO