



**Environmental
Protection Agency**

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

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

August 20, 2012

CERTIFIED MAIL

Mr. Rick Hanes
Hanes Excavating Ltd.
7051 Ross Road
Bloomville, Ohio 44818

Dear Mr. Hanes:

As part of an investigation related to Mr. Dorsey Leonhardt of Leonhardt Farms, Inc. and Ms. Amber Millenbaugh, it has been determined that Hanes Excavating, Ltd. was contracted to clear and dispose of the wastes associated with the clearing of a wooded area on Ms. Millenbaugh's property on Leesville Road in Crawford County. Approximately 15 acres of wooded area on the property was cleared and the waste materials were burned for disposal. Burning occurred without permission from the Ohio EPA and without the use of an air curtain destructor. Burning started on the property on June 25, 2012. The fire was finally extinguished on July 7, 2012. These violations occurred 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. Each day of illegal open burning identified above represents a separate violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

This is the second time that violations of Ohio's open burning rules have been discovered having been committed by your company. Ohio's open burning rules were also enclosed with the notice of violation previously sent to you, dated March 16, 2011, for violations you committed at Spreng-Longacre Farms, Inc. On April 1, 2011, Ohio EPA received a written response on your behalf indicating your understanding of the regulations and your commitment that no further illegal open burning would be conducted by you or your company.

A copy of the OAC rules pertaining to open burning has again been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules.

Mr. Rick Hanes
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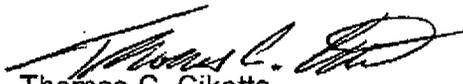
If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than September 5, 2012.

Because the fire has been extinguished, violations are no longer occurring 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.

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

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Enclosure

pc: Crawford County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 5666

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