



**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 14, 2012

CERTIFIED MAIL

Mr. Larry Wagner
Wagner Brothers
4321 Crestline Road
Bucyrus, Ohio 44820

Dear Mr. Wagner:

This office received a complaint on August 6, 2012, concerning open burning being conducted on your property, located on CF Keiss Road, in Bucyrus, Ohio (Crawford County parcel #42-0012081.000). My investigation, conducted on August 8, 2012, shows approximately three (3) acres of wooded area was cleared for additional agricultural production space and the wastes from the clearing were burned for disposal purposes. This burning occurred in an unrestricted area, within 1000' of adjacent inhabited structures not location on the property, without written permission from the Ohio EPA and without the use of an air curtain destructor. The fire was reported to have started on August 3, 2012, and to have been extinguished on August 8, 2012.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. Each day of open burning constitutes 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. It is your responsibility to disseminate this information to the other members of your organization, as the Wagner Brothers partnership may be held liable for future violations of Ohio's open burning rules. 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 August 30, 2012.

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

Mr. Larry Wagner
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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

/lir

Enclosure

pc: Crawford County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 5291

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