



**Environmental  
Protection Agency**

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

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

July 25, 2012

**CERTIFIED MAIL**

Mr. Eilert Bruns  
Property Owner  
28 W 205 Lakeview Drive  
Naperville, Illinois 60564

Dear Mr. Bruns:

This office received a complaint on July 20, 2012, concerning open burning being conducted on your property, located at P-482 County Road 18, in Napoleon, Ohio. My investigation shows that the unwanted demolition debris from a barn salvage operation, conducted by Matt Gleckler of Antique Beams and Boards, and unwanted straw was being burned for disposal purposes. While you may have been permitted to burn the straw, provided you were able to meet the criteria identified in Ohio Administrative Code rule 3745-19-04(B)(3), the burning of agricultural buildings, partial or whole, for disposal is not allowed.

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. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than August 10, 2012.

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

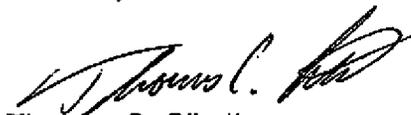
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

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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: Henry County Health Dept.  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118346045

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