



**Environmental
Protection Agency**

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

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

September 17, 2012

CERTIFIED MAIL

Dave & Kris Ernsberger
Property Owners
2828 Fangboner Road
Fremont, Ohio 43420

Dear Mr. & Mrs. Ernsberger.:

This office received a complaint on September 10, 2012, concerning open burning being conducted on your property. My investigation, conducted on September 12, 2012, shows the following materials were burned for disposal purposes in a restricted area: brush, a badminton racquet, paper products, a plastic binder, cardboard products and some construction and demolition debris. To be clear, you are not permitted to burn any wastes generated on your property because you are in a restricted area.

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 3745-19-03(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 October 1, 2012.

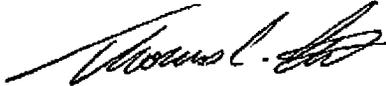
Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

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. 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.

Dave & Kris Ernsberger
September 17, 2012
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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

/lr

Enclosure

pc: Sandusky County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011 3500 0000 8204 2623

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