



**Environmental
Protection Agency**

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

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

August 30, 2012

CERTIFIED MAIL

Mr. Allen Machin
Property Owner
1800 Hayes Avenue
Fremont, Ohio 43420

Dear Mr. Machin:

This office received a complaint on August 8, 2012, concerning open burning being conducted on your property located at 740 South Buchanan Street in Fremont, Ohio, which is currently occupied by Mr. Justin Ceccoli. My investigation, conducted on August 22, 2012, shows that a recreational fire site has been used to occasionally burn inappropriate materials for disposal purposes within 1000' of adjacent residences in a restricted area. Evidence of the following materials were observed in the fire pit: aluminum foil; cigarette butts; empty cigarette packs; yard waste (weeds/tall grass).

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 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 tenants and it is ultimately your responsibility to ensure that future violations do not occur on your property. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than September 14, 2012.

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

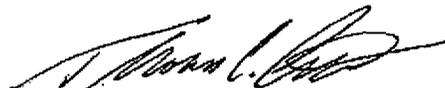
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06.

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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: Sandusky County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 5499

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