

**Environmental
Protection Agency**

John P. Kasich, **Governor**
Mary Taylor, **Lt. Governor**
Scott J. Nafly, **Director**

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

September 25, 2012

CERTIFIED MAIL

Mr. David Fisher
Property Owner
2014 Road 3
Swanton, Ohio 43558

Dear Mr. Fisher:

This office received a complaint on September 21, 2012, concerning open burning being conducted on your property at 478 Second Street in Liberty Center, Ohio (Henry County Parcel # 30-049571.0700). My investigation, conducted on September 24, 2012, shows the following materials were burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: household trash with plastics, construction and demolition debris, furniture, home electronics, ceiling fan, misc. metal parts, two to three (2-3) mattresses, brush, landscape wastes, tree trimmings.

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. 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 12, 2012.

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

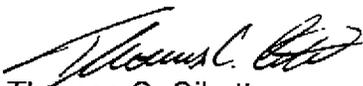
Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later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

Mr. David Fisher
September 25, 2012
Page 2

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

/llr

Enclosure

pc: Henry County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 5079

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