



**Environmental  
Protection Agency**

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

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

October 17, 2012

CERTIFIED MAIL

Harbor's Edge Mobile Home Park  
999 North Buck Road  
Marblehead, Ohio 43440

Dear Sir or Madame:

This office received a complaint on October 11, 2012, concerning open burning being conducted on your property. My investigation, conducted on October 12, 2012, shows an area near the boat docks has been used in the past for the burning of various materials and a new pile of debris appears to be stacked in preparation for future burning. Partially burned mattresses and box springs, along with partially burned pieces of brush was found under a pile, measuring approximately 35' in diameter and eight feet high, containing the following: multiple mattresses and box springs; brush; construction and demolition debris; vinyl siding; shingles; cardboard products; wooden furniture; multiple upholstered couches, and; multiple upholstered recliners.

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. To be clear, as this is a commercial property, burning of any materials for disposal is prohibited on the property.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. A similar letter and the OAC rules are also being sent to Daniel Haseley because he, as the property owner, may jointly or ultimately be held liable for current and future violations. 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 November 2, 2012.

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

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Regarding the disposal of the remaining debris, that issue may fall under the jurisdiction of either Ohio EPA's Division Materials & Waste Management (DMWM) or the local county's health department. In either regard, this matter will be referred to DMWM for their involvement and they may contact you regarding this matter. Should you have any questions pertaining to their involvement, please feel free to contact Mike Reiser, at (419) 373-3126. Mr. Reiser will be able to put you in touch with the appropriate staff member or regulating agency.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/cg

Enclosure

pc: Ottawa County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118345734

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