



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

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

December 21, 2012

CERTIFIED MAIL

Brian & Deborah Wilson
Tenants
4560 Lyons Road
Caledonia, Ohio 43314

Dear Mr. & Mrs. Wilson:

This office received a complaint on December 7, 2012, concerning open burning being conducted on your property. My investigation, conducted on December 12, 2012, shows the following materials have been burned for disposal purposes at an approximately 12' x 25' burn site along the north side of the property: four mattresses; approximately ten tires of varying size still on their rims; eight to ten other tires, four of which were large agricultural tires; construction and demolition debris; electrical wire; brush, and; miscellaneous metal parts. This occurred in an unrestricted 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 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05.

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

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 Ronald Wilson because he, as the property owners, may be 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 January 7, 2013.

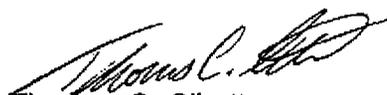
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

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Ohio EPA will determine later whether to pursue such penalties in this case. 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

/cg

Enclosure

pc: Marion County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011350000082041749

ec: Brian Dickens, US EPA, Region V
Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC – NWDO