



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**

Mr. Ronald Wilson  
Property Owner  
4252 Spicer Road  
Caledonia, Ohio 43314

Dear Mr. Wilson:

This office received a complaint on December 7, 2012, concerning open burning being conducted on the property you own at 4560 Lyons Rd. in Caledonia, Ohio, and is occupied by Brian and Deborah Wilson. 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. Brian Wilson has indicated that his has occurred with your knowledge and that some of the materials burned were added to the pile by you.

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.

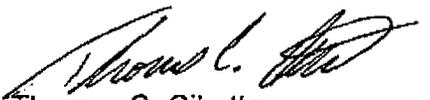
A copy of the OAC rules pertaining to open burning has been enclosed for your review because you, as the property owner, may be held liable for current and future violations. It is your responsibility to clearly communicate the open burning rules to your tenants and it is ultimately your responsibility to ensure that future violations do not occur on your property. 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, 2012.

Mr. Ronald Wilson  
December 21, 2012  
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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. 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](mailto: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 7011350000082042357

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



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

Re: Fulton County  
Open Burning Complaint  
Notice of Violation

December 14, 2012

CERTIFIED MAIL

Mr. Jim Walter  
Walter Farms  
7496 County Road M  
Delta, Ohio 43515

Dear Mr. Wilson:

This office received a complaint on December 4, 2012, concerning open burning being conducted on the property in your control, which you rent from Charles Shininger. My investigation, conducted on December 13, 2012, shows a large pile of straw and manure is smoldering on the north edge of the non-field portion of the property. You have burned straw and feed bags there in effort to reduce the volume of straw in the pile. This is being done within 1000' of adjacent residences, 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 OAC rule 3745-19-04(A). To be clear, after a review of the area property limits, you are not permitted to burn any wastes on your property because you cannot stay on the property and meet the 1000' minimum distance from adjacent inhabited structures, as identified in OAC rule 3745-19-04(B)(3)(c).

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 Mr. Shininger because he, as the property owner, 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 2, 2012.

Finally, when I left the property the manure and straw pile was still smoldering. It was decided at that time by both of us that the fire would be allowed to burn itself out, as disturbing the pile in its current condition may produce more smoke and cause more of a nuisance. However, the fire can also not be allowed to smolder for an extended period of time.

Mr. Jim Walter  
December 14, 2012  
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Within seven days of receipt of this letter, please call this office and provide an update as to the condition of the fire. If the fire is still smoldering then additional action may be required, such as spreading of the material to help it burn out, but we will discuss possible solutions only if the fire is not out.

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

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: Jeff Crisenbery, Fulton County Health Department  
Thomas C. Cikotte, DAPC - NWDO  
Certified Mail Receipt Number 7011350000082041671

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