



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

Re: Fulton County
Open Burning Complaint
Notice of Violation

December 17, 2012

CERTIFIED MAIL

Mr. Charles Shininger
Property Owner
617 Revelstoke Court
Tipp City, Ohio 45371

Dear Mr. Shininger:

This office received a complaint on December 4, 2012, concerning open burning being conducted on your property at 7496 County Rd. M, in Delta, Ohio, which is currently occupied by Mr. Jim Walter and Walter Farms. 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. Mr. Walter has regularly 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).

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. While we have been in contact with Mr. Walter, 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 4, 2012.

Our current plan is to allow the fire to burn itself out, believing that disturbing the pile now will only introduce more oxygen and create a larger nuisance issue. However, the fire can also not be allowed to smolder for an extended period of time.

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Within seven days of Mr. Walter receiving a similar letter from this office he has been asked to 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.

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 7011350000082041688

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