



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

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

December 10, 2012

Certified Mail

Roger Depweg & Doug Depweg
Depweg Brothers
Property Owners
4879 Philothea Road
St. Henry, Ohio 45883

Dear Gentlemen:

This office received a complaint on December 6, 2012, concerning open burning being conducted on your property, off Fleetwood Road outside Coldwater, Ohio (Mercer County Auditor Parcel #04-000800.0000). My investigation, conducted on December 7, 2012, shows approximately seven acres of various land clearing wastes was burned without permission from the Ohio EPA and without the use of an air curtain destructor.

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.

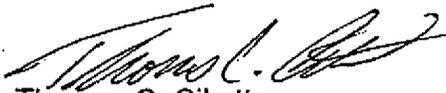
A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than December 31, 2012.

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.

Roger Depweg & Doug Depweg
December 11, 2012
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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: Mercer County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011350000082041664

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