



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

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

December 11, 2012

**CERTIFIED MAIL**

Mr. Garry Gallant  
9519 Oil Center Road  
Bloomdale, Ohio 44817

Dear Mr. Gallant:

This office received a complaint on December 4, 2012, concerning open burning being conducted on property owned by your mother, Clara Gallant, at 8125 State Route 613 in McComb, Ohio. My investigation, conducted on December 7, 2012, shows you burned materials that are not permitted to be burned for disposal purposes including, at least, a reclining couch, a mattress and other unidentifiable miscellaneous 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.

As you have admitted to starting the fire, you have asked to take responsibility for this fire, although it is on your mother's property. Ohio EPA will accept this, provided that you also disseminate the open burning your mother and all other people with access to the property. Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A), and the property owner will ultimately be held liable. Please also understand these rules, and this notice of violation, apply to any other properties you may also own or operate on.

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.

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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.

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

/lir

Enclosure

pc: Hancock County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7011 3500 0000 8204 3040

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