



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. Dale Pitney
Property Owner
8261 Township Road 19
McComb, Ohio 45858

Dear Mr. Pitney:

This office received a complaint on December 4, 2012, concerning open burning being conducted on your property. My investigation, conducted on December 7, 2012, shows a burn barrel has been used to burn residential wastes within 1000' of adjacent inhabited structures and that a brush pile generated on your property was moved off the property with the intention to burn at a later date but is yet unburned. 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. 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.

Mr. Dale Pitney
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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

/llr

Enclosure

pc: Hancock County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011 3500 0000 8204 3019

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