



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

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

November 27, 2012

CERTIFIED MAIL

Mr. Leroy Osborn
Property Owner
13006 State Route 31 South
Kenton, Ohio 43326

Dear Mr. Osborn:

On November 21, 2012, an Ohio EPA employee observed brush, household trash including plastics and other unknown materials being burned on your property. When our staff stopped to talk to you about this fire, and asked for it to be extinguished, you told them to leave the property. As a subsequent investigation I responded to your property on November 26, 2012, to find that you were burning two separate piles of material, which you identified as brush from storm damage generated on storms that occurred on June 29, 2012. The piles contained household trash with plastics, construction and demolition debris, synthetic wood product furniture, automotive parts, home electronics, automotive electronics and miscellaneous metal parts. Your property is located in a restricted area.

Based on these illegal open burning did occur this is a violation of Ohio Administrative Code rule 3745-19-03(A). To be clear, as stated at the time of my visit, because of your location and your proximity to your neighbors you are not permitted to burn any materials for disposal on your property. Furthermore, 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).

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 12, 2012.

A copy of the OAC rules pertaining to open burning has been enclosed.

Mr. Leroy Osborn
November 27, 2012
Page 2

Because the fire has been extinguished, you are no longer in violation and the property is considered to have returned to compliance.

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 me at thomas.cikotte@epa.state.oh.us.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/llr

Enclosure

pc: Hardin County Health Department
Certified Mail Receipt Number 7009 1410 0001 1834 4829

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