



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

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

November 23, 2012

CERTIFIED MAIL

Mr. Tedd Dean and/or Ms. Kathy Chamberlain
Property Owners
706 West Gypsy Lane Road
Bowling Green, Ohio 43402

Dear Mr. Dean and Ms. Chamberlain:

On November 8, 2012, an employee of the Division of Air Pollution Control observed a large fire producing heavy black smoke being conducted on your property at 12520 Bradner Rd. in Bradner, Ohio. The fire was larger than is allowed for a recreational or ceremonial fire. The fire was located within 1000' of adjacent residences not on the property and, based on the color and density of the smoke plume, is believed to have contained illegal materials. The matter was then forwarded to me to address. Further attempts to investigate this complaint were unsuccessful as you have repeatedly denied this agency access to the property and have not responded, as you had indicated on November 14, 2012.

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. Please note that you, as the property owner, may be held liable for current and future violations. 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. 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).

Also, in response to your expressed concern over Ohio EPA staff entering the property to establish contact with the property owner and conduct our inspection, please also find enclosed Ohio Revised Code 3704.03(L) which addresses this issue. Furthermore, if additional complaints are received regarding this property, and access to the property is again denied, the Ohio EPA may then obtain a search warrant to enter the property.

Mr. Tedd Dean and/or Ms. Kathy Chamberlain
November 23, 2012
Page 2

Be aware that the Ohio EPA has the authority to seek reimbursement for the costs associated with obtaining warrants.

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 10, 2012.

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

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/cg

Enclosure

pc: Wood County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011350000082042371

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