



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

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

February 27, 2013

CERTIFIED MAIL

Mr. Stanley Brenneman
Brenneman Brothers, Inc.
5230 North Grubb Road
Elida, Ohio 45807

Dear Mr. Brenneman:

This office received a complaint on February 26, 2013, concerning open burning being conducted on your property near the intersection of Old Delphos Road and McBride Road in Elida, Ohio (Allen Co. Parcel #35-1100-02-001.000). My investigation, conducted on February 26, 2013, shows agricultural wastes consisting mostly of brush and approximately eight tires were burned for disposal purposes.

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 with the above cited violations.

A copy of the OAC rules pertaining to open burning has been enclosed for your review. It is your responsibility to disseminate this information to the other member of your organization and any employees. It is ultimately your responsibility to ensure that future violations do not occur on your property and be held liable for future violations of these rules on any property you own in Ohio. 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 March 15, 2013.

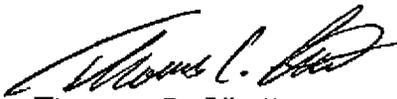
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

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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

/llr

Enclosure

pc: Allen County Health Department
Thomas C. Cikotte, DAPC-NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 4164

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