



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

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

February 14, 2013

CERTIFIED MAIL

John & Angela Schroeder  
Schroeder's Grain Farm  
Property Owners  
7958 Auburn Center Road  
Shelby, Ohio 44875

Dear Mr. & Mrs. Schroeder:

This office received a complaint on February 7, 2013, concerning open burning being conducted on your property located on and adjacent to 5589 State Route 309 in Galion, Ohio. My investigation, conducted on February 8, 2013, shows approximately 30 acres of wooded land has been cleared from the property and is being developed for additional agricultural use. The land clearing waste was pushed into approximately 12 large piles and several were on fire upon my arrival. Other piles had been burned in the recent previous days. There was also evidence on the property that at least 8-10 tires had been burned as well as unknown quantities of used oil. Most, if not all, of the burn sites were located within 1000' of adjacent inhabited structures not located on the property, permission was neither requested nor granted to burn the land clearing wastes and an air curtain destructor was not used when burning the wastes. The fires were extinguished via smothering and burial on February 8, 2013.

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. 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 1, 2013.

John & Angela Schroeder  
February 14, 2013  
Page 2

Finally, as discussed at the time of my inspection, I have enclosed two other pieces of information: the Ohio EPA Open Burning Request Form, including instructions, and; a list of possible sources for obtaining an air curtain destructor.

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

/cg

Enclosure

pc: Richland County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7011350000082041930

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