



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

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

February 6, 2013

CERTIFIED MAIL

Mr. Jeff Moffitt
Tenant
P.O. Box 234
14680 West Second Street
Rocky Ridge, Ohio 43458

Mr. Michael C. Moffitt
Property Owner
4921 North State Route 590
Oak Harbor, Ohio 43449

Dear Sirs:

This office received a complaint on January 31, 2013, concerning open burning being conducted at 14680 West Second Street in Rocky Ridge, Ohio, which is occupied by Jeff Moffitt and owned by Michael Moffitt. My investigation, conducted on February 1, 2013, shows a fire exceeding the allowable size in a restricted area was used to burn unidentifiable materials for disposal purposes within 1000' of adjacent houses in a restricted 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 3745-19-03(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.

This is the third time that violations of Ohio's open burning rules have been discovered on the property. Notices of violation have previously been sent to both the tenant and property owners on or about October 11, 2011 and August 31, 2012. Ohio's open burning rules were included with the notices on both occasions.

Mr. Jeff Moffitt
Mr. Michael C. Moffitt
February 6, 2013
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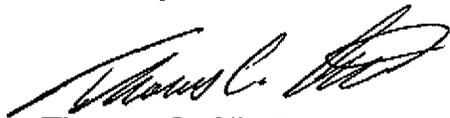
Be aware that this office will be recommending that elevated enforcement actions be taken against both the tenant and property owner for past and current violations of Ohio's open burning rules. Elevated enforcement actions may include, but are not limited to, fines in a civil action.

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 February 22, 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. 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: Ottawa County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Numbers 7011350000082041992, 7011350000082042005

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