



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

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

January 30, 2013

CERTIFIED MAIL

Mr. Robert T. Uhlenhake
Property Owner
2981 Fort Recovery Minster Road
St. Henry, Ohio 45883

Dear Mr. Uhlenhake:

This office received a complaint on January 23, 2013, concerning open burning being conducted on your property. My investigation, conducted on January 28, 2013, shows a metal ring has been used to burn paper products, cardboard products, miscellaneous metal parts and glass bottles for disposal. The burn site is located in an unrestricted area and is within 1000' of adjacent residences. Also, per our conversation, not all of the materials burned in the metal ring were generated on that property.

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. To be clear, after a review of the area property limits, you are not permitted to burn any wastes on your property because you cannot stay on the property and meet the 1000' minimum distance from adjacent inhabited structures, as identified in OAC rule 3745-19-04(B)(3)(c). This office would also suggest the removal and proper disposal of the metal ring from the property, as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

Violations were also discovered by Ohio EPA on your property in August of 2005 and a NOV, along with Ohio's open burning rules, was sent to you on August 31, 2005 for those violations. 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).

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.

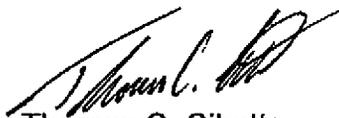
Mr. Robert T. Uhlenhake
January 30, 2013
Page 2

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 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. 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: Mercer County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7011350000082042531

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