



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

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

January 11, 2013

CERTIFIED MAIL

Robert & Brenda Miller  
Property Owners  
11785 Township Road 100  
Findlay, Ohio 45840

Dear Mr. & Mrs. Miller:

On January 8, 2013, while in the area staff from the Ohio EPA observed illegal open burning being conducted on your property. My investigation, conducted on January 9, 2013, shows the following materials were burned for disposal on a commercial property: miscellaneous metal parts, plywood, what appeared to be either fiberglass and/or SMC automotive parts, dimensional lumber, "crating", chunks and puddles of melted plastic and what was later identified as a plastic composite manufacturing mold.

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. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio. It is your responsibility to clearly communicate the open burning rules to your tenants and employees and it is ultimately your responsibility to ensure that future violations do not occur on your property.

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.

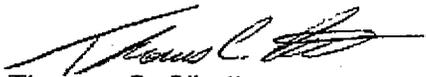
A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than January 28, 2013.

Robert & Brenda Miller  
January 11, 2013  
Page 2

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

/llr

Enclosure

pc: Hancock County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 3020

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