



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

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

March 22, 2013

CERTIFIED MAIL

Mr. Dean Rickard
Property Owner
7042 US Route 6
Vickery, Ohio 43464

Dear Mr. Rickard:

This office received a complaint on March 15, 2013, concerning open burning being conducted on your property. My investigation, conducted on March 20, 2013, shows two burn sites, an open fire ring and a metal 55 gallon barrel, have been used to burn the following materials for disposal purposes your property, addressed above: yard wastes; miscellaneous metal parts; aerosol cans; a large television; paper and cardboard products, and; metal cans. These fires occurred within 1000' of adjacent residences not on the property in an unrestricted 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 3745-19-04(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. To be clear, when burning any type of wastes that are allowed by rule, one must be "no less than 1000' from any inhabited building" not on that property. From a review of the property limits, per the Sandusky County Auditor, it has been determined that there is no point on the property where that 1000' setback limit can be achieved, therefore, you are not permitted to burn any materials for disposal on the property.

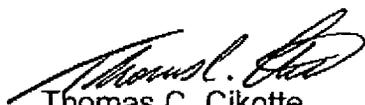
Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than April 8, 2013.

Mr. Dean Rickard
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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

/llr

Enclosure

pc: Sandusky County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 2238

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