



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

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

June 12, 2013

CERTIFIED MAIL

Ms. Connie Roeder
Roeder Racing, LLC
Property Owner
3684 US Route 20
Monroeville, Ohio 44847

Dear Ms. Roeder:

This office received a complaint on June 5, 2013, concerning open burning being conducted on your property or property which was under your control. Our investigation, conducted on June 7, 2013, shows the following materials, at least, were burned at 3674 US Route 20 in Monroeville, Ohio, for disposal purposes while the property was under your control: paper products; cardboard products; food wastes, and; aluminum cans. This location is located 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. A similar letter and the OAC rules are also being sent to WJR Rentals, Ltd. because it, as the property owner, may be ultimately be held liable for current and future violations. 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 June 28, 2013.

Based on the questions and statements of Mr. George Roeder while Ohio EPA was on site, we feel the need to clarify a few items. At no time are any wastes generated from Roeder Racing, LLC., WJR Rentals, Ltd., any other contractor, subcontractor or renter/lesser operating on any property owned or controlled by them, permitted to be burned for disposal. Regarding bonfires, campfires and/or ceremonial fires, contrary to our previous conversation, notification to this office is not required prior to conducting the fire, however, the fires must comply with the requirements stated in OAC rule 3745-19-04(B)(2).

Ms. Connie Roeder
June 12, 2013
Page 2

Also, to reiterate, the burning of pallets, plastics, building materials, dimensional lumber, etc., is not allowed under the requirements stated in OAC rule 3745-19-04(B)(2). It is your responsibility to disseminate this information to any subsequent tenants as the owner/operator of the property may be held liable for future violations of these rules. 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).

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

Enclosures

pc: Huron County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 70091410000118346700

ec: Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Emily Stewart, DAPC - NWDO