



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. Julie Roeder
WJR Rentals Ltd.
Property Owner
2516 Hettle Road
Monroeville, Ohio 44847

Dear Ms. Roeder:

This office received a complaint on June 5, 2013, concerning open burning being conducted on your property, located at 3674 US Route 20 in Monroeville, Ohio, which, at the time, was under the control of Roeder Racing, LLC. Our investigation, conducted on June 7, 2013, shows the following materials, at least, were burned for disposal purposes while the property: 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 copy of the OAC rules pertaining to open burning has been enclosed for your review because you, as the property owner, may be held liable for current and future violations. It is your responsibility to clearly communicate the open burning rules to your tenants and it is ultimately your responsibility to ensure that future violations do not occur on your 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 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/leaser operating on any property owned or controlled by them, permitted to be burned for disposal.

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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). 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). It should also be noted that these rules apply to all properties owned or controlled by WJR Rentals, Ltd. in Ohio and this letter shall serve as notice accordingly.

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: Huron County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346694

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