



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

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

June 12, 2013

CERTIFIED MAIL

Mr. Chris Paxton
Tenant
232 Church Street
Wauseon, Ohio 43567

Dear Mr. Paxton:

This office received a complaint on June 5, 2013, concerning open burning being conducted on your property. My investigation, conducted on June 7, 2013, shows fires have occurred on site that were larger than allowed by Ohio's open burning rules and they have contained inappropriate materials. This occurred within 1000' of adjacent residences in an unrestricted area. Also, there is currently a large volume of inappropriate materials stacked on the burn site and those materials are not to be burned.

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 John Griner because he, 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.

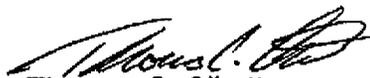
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

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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

/l/r

Enclosure

pc: Pat Wiemken - Fulton County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 7009 1410.0001 1834 8827

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