



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

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

June 4, 2013

CERTIFIED MAIL

Philip & Kathy Mack
Property Owners
2598 Flickinger Road
Ney, Ohio 43549

Dear Philip & Kathy Mack:

This office received a complaint on May 31, 2013, concerning open burning being conducted on your property at B-263 County Road 7 in Deshler, Ohio, which is currently occupied by Ms. Carlie Higdon. My investigation, conducted that day, shows a burn site, approximately 12' x 15' was found to contain evidence of the following materials having been burned for disposal purposes: steel cans; aluminum cans; metal 5 gal. pails; a mattress; sofa sleeper or folding bed; household trash with plastics; miscellaneous unidentifiable plastic objects; brush, and; other unidentifiable items.

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 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.

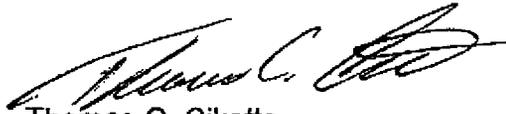
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To be clear, after a review of the area property limits, you are permitted to burn some residential wastes generated on your property however, you must comply with the requirements identified in OAC rule 3745-19-04(B)(3). Your response is requested no later than June 19, 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. 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: Henry County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346984

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