



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

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

June 4, 2013

CERTIFIED MAIL

Ms. Carlie Higdon, Tenant
B-263 County Road 7
Deshler, Ohio 43516

Dear Ms. Higdon:

This office received a complaint on May 31, 2013, concerning open burning being conducted on your property. My investigation, conducted on May 31, 2013, 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. A similar letter and the OAC rules are also being sent to Philip & Kathy Mack because they, as the property owners, 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. 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.