



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)**

May 22, 2013

CERTIFIED MAIL

Ms. Holly Barrera, Manager
Wagner's Campground
Q-657 State Route 65
Napoleon, Ohio 43545

Dear Ms. Barrera:

This office received a complaint on May 20, 2013, concerning open burning being conducted on your property, Wagner's campground, located north of 4395 State Route 110 in Napoleon, Ohio. My investigation, conducted on May 20, 2013, shows cardboard, aluminum cans, miscellaneous meal parts and a plastic 55 gallon drum were burned for disposal purposes at camp site 113 and/or 114, occupied by Robert and Kim Whitten. This occurred within 1000' of adjacent inhabited structures 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 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. At your request, I have also enclosed a brief explanation of what can legally be burned at the campgrounds.

Finally, the Ohio EPA has had issues with the property owner violating the open burning rules in the past. Past violations were significant enough to warrant elevated enforcement actions, including a fine. Because the violation cited in this letter is a similar matter, but in a different context, this office is willing to exercise discretion regarding enforcement. However, should it be determined that illegal open burning continues to be a problem on the property similar enforcement actions may be taken.

Ms. Holly Barrera
May 22, 2013
Page 2

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 7, 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 70091410000118347011

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