



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

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

April 25, 2013

CERTIFIED MAIL

Michael & Glenda Gray  
Property Owners  
1384 County Road 268  
Vickery, Ohio 43464

Dear Mr. & Mrs. Grey:

This office received a complaint on April 23, 2013, concerning open burning being conducted on your property. My investigation, conducted on that day, shows a metal wire hopper is used to burn residential wastes including, but not limited to, household trash with plastics, steel cans, aluminum cans, aerosol cans and brush. This was done within 1000' of adjacent residences 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. 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 May 10, 2013.

This office would also suggest the removal and proper disposal of the metal wire hopper from the property, and its contents, as to reduce or eliminate the possibility of misinterpreting past violations as new violations. Regarding the disposal of the remaining debris in the metal framed hopper, that issue may fall under the jurisdiction of either Ohio EPA's Division Materials & Waste Management (DMWM) or the local county's health department.

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In either regard, this matter will be referred to DMWM for their involvement and they may contact you regarding this matter. Should you have any questions pertaining to their involvement, please contact Sue Hardy at (419) 373-3043.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/llr

Enclosure

pc: Sandusky County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 2306

ec: Brian Dickens, US EPA, Region V  
Bruce Weinberg, DAPC - CO  
Tom Sattler, DAPC - NWDO  
Thomas C. Cikotte, DAPC – NWDO  
Sue Hardy, DMWM – NWDO