



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

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

April 19, 2013

CERTIFIED MAIL

Mr. Cecil N. Boes Jr. & Linda Boes
Property Owners
5139 Township Road 238
Arcadia, Ohio 44804

Dear Mr. & Mrs. Boes:

On April 3, 2013, a staff member of this office observed a large fire occurring on your property, as addressed above. Our investigation, shows that the burning of household trash and miscellaneous items was the origin of a fire that spread through the property damaging several structures agricultural materials and pieces of agricultural equipment. That initial fire was illegal because of the materials being burned and the failure to meet the required setback distance to adjacent inhabited structures, as described in Ohio Administrative Code 3745-19 (enclosed).

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 6, 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.

Mr. Cecil N. Boes Jr. & Linda Boes
April 19, 2013
Page 2

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) 373-3116 or e-mail at tom.sattler@epa.ohio.gov.

Sincerely,



Tom Sattler
Division of Air Pollution Control

/cg

Enclosure

pc: Hancock County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 70091410000118347301

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