



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

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

May 13, 2013

CERTIFIED MAIL

Mrs. Marjean F. Long
Property Owner
2550 West State Road
Lima, Ohio 45807

Dear Mrs. Long:

This office received a complaint on May 2, 2013, concerning open burning being conducted on your property located at 3160 Long Rd. Our investigation, conducted on May 6, 2013, shows multiple bur sites exist on the property in which illegal materials have been burned for disposal. The burning of construction materials (such as plywood, OSB, dimensional lumber, roofing materials, etc.), any metal products, glass products or any household trash containing any type of plastics are not permitted to be burned anywhere in Ohio. All of these types of materials were found at various locations throughout the property.

Based on these findings, there is sufficient evidence to determine that illegal open burning did occur and the complaint is justified. 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 anyone who uses the property and it is ultimately your responsibility to ensure that future violations do not occur on your property.

To be clear, because the property is not a residential or agricultural property, the only fires that are permitted on the property would be recreational or ceremonial fires that comply with the requirements of OAC rule 3745-19-04(B)(2). You are not permitted to burn any materials for disposal on the property.

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.

Mrs. Marjean F. Long
May 13, 2013
Page 2

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 29, 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

/llr

Enclosure

pc: Allen County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1843 9891

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