



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

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

March 13, 2013

CERTIFIED MAIL

Mr. Andrew Hurst, Owner
Andrew Hurst Construction
5100 County Road 22
Archbold, Ohio 43502

Dear Mr. Hurst:

This office received a complaint on March 6, 2013, concerning open burning being conducted at 07360 Domersville Road in Defiance, Ohio. My investigation, conducted on March 7, 2013, shows Andrew Hurst Construction was contracted to demolish a barn on the property and was burning the demolition debris for disposal purposes on March 6 and 7, 2013. This occurred 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. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio. This is a violation of both Ohio Administrative Code (OAC) rule 3745-19-04(A) and Ohio Revised Code (ORC) 3704.05. Be aware that future violations of Ohio's open burning rules by you or your company may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A).

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 violation.

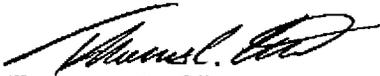
A copy of the OAC rules pertaining to open burning has been enclosed for your review. Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than March 28, 2013.

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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: Defiance County Health Department
Thomas C. Cikotte, DAPC-NWDO
Certified Mail Receipt Number 7009 1410 0001 1843 8528

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