

Mr. Nathan Davidson
June 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) 373-3123 or e-mail at Mark.Budge@epa.state.oh.us.

Sincerely,



Mark Budge
Division of Air Pollution Control

/llr

Enclosure

pc: Hancock County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 9237

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



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)**

June 28, 2013

CERTIFIED MAIL

Mr. Nathan Davidson
Property Owner
18383 State Route 568
Findlay, Ohio 45840

Dear Mr. Davidson:

On June 20, 2013, two Ohio EPA officials observed illegal open burning being conducted on your property. Our inspection, conducted on June 24, 2013, showed a smoldering burn pile approximately 20' in diameter. The following materials appear to have been burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: construction and demolition debris, household trash including plastics, paper and cardboard products, miscellaneous metal parts, a piano, aluminum cans, glass bottles, and two televisions.

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. To be clear, after a review of the area property limits, you are not permitted to burn any wastes on your property because you cannot remain on the property and meet the 1000' minimum distance from adjacent inhabited structures, as identified in OAC rule 3745-19-04(B)(3)(c). Accordingly, you are only permitted to have recreational or ceremonial fires which comply with OAC rule 3745-19-04(B)(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 July 11, 2013.