

Jerry & Mardee Lang
June 28, 2013
Page 2

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

/cg

Enclosure

pc: Marion County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009141018346915

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



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

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

June 28, 2013

CERTIFIED MAIL

Jerry & Mardee Lang
Property Owners
5172 Marion-Waldo Road
Prospect, Ohio 43342

Dear Mr. & Mrs. Lang:

This office received a complaint on June 21, 2013, concerning open burning being conducted on your property. Our investigation, conducted on June 24 & 26, 2013, shows a brush pile and possibly a piece of carpet was burned for disposal purposes 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. 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 a 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 15, 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.