

Mr. Mike Dickman
July 9, 2013
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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: Van Wert County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346618

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



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

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

July 9, 2013

CERTIFIED MAIL

Mr. Mike Dickman
Property Owner
10228 Mendon Road
Van Wert, Ohio 45891

Dear Mr. Dickman:

This office received a complaint on July 2, 2013, concerning open burning being conducted on your property. My investigation, conducted on July 3, 2013, shows household trash, steel cans and aerosol cans were burned for disposal purposes in a restricted 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, because you are located in a restricted area you are not permitted to burn any of your residential wastes on the property. 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 25, 2013. This office would also suggest the removal and proper disposal of the metal barrel from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

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.