



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

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

August 29, 2013

CERTIFIED MAIL

Mr. Scott Mercurio  
Tenant  
4629 State Route 309  
Mansfield, Ohio 44906

Dear Mr. Mercurio:

This office received a complaint on August 16, 2013, concerning open burning being conducted on your property, addressed above but owned by Mr. Joseph and Mrs. Phyllis O'Hail. My investigation, conducted on August 21, 2013, shows that wastes generated from various properties in the greater Mansfield area were brought to the property, segregated and significant volumes of material were burned for disposal. This was done, wholly or in part, you and your son, Sean Mercurio, as subcontractors for JPP&M, a property management company based out of Mansfield, Ohio. Multiple burn sites were found on the property and most sites had recently been recently regraded by some type of equipment. Evidence of the following materials having been burned for disposal was observed on the property: railroad ties; brush; misc. metal parts; paint cans; copper wire; wood furniture; household trash including plastics; construction and demolition debris; dimensional lumber; manufactured lumber products such as plywood and MDF; treated landscaping timbers; pressboard furniture; home electronics; aerosol cans; mattresses; upholstered furniture, and; other unidentifiable materials. All burn sites are located within 1000' of adjacent residences and are located 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. A similar letter and the OAC rules are also being sent to Joseph and Phyllis O'Hail, as the property owners, and JPP&M, as the generator of the wastes in question, because they may be ultimately be held liable for current and future violations. 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 September 16, 2013.

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Regarding the disposal of the remaining debris and trash on site, that issue may fall under the jurisdiction of either Ohio EPA's Division Materials & Waste Management (DMWM) or the local county's health department for issues pertaining to open dumping. In either regard, this matter will be referred to DMWM for their involvement and they may contact you to resolve this issue. Should you have any questions pertaining to their involvement, please contact either Tyler Madeker of DMWM, at (419) 373-3078, or your local health department.

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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,



Thomas C. Cikotte  
Division of Air Pollution Control

/cg

Enclosure

pc: Andrea Barnes, Richland County Health Department  
Thomas C. Cikotte, DAPC -- NWDO  
Certified Mail Receipt Number 70091410000118347370

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