



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

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

July 19, 2013

CERTIFIED MAIL

Mr. William Shellenbarger
21562 County Road 10
Defiance, Ohio 43516

Dear Mr. Shellenbarger:

This office received a complaint on July 12, 2013, concerning the open burning of mattresses on your property for the purposes of re-claiming the metal and selling it. An investigation conducted by Wendy Licht and Luke Stoll on July 17, 2013 showed a burn site that included a burnt mattress and other household wastes to include plastics. In addition, there was a burnt metal mattress frame strapped to the top of a vehicle located on site as well as a whole mattress laying in the yard beside the burn site.

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 had been extinguished, you are no longer in violation and the property is considered to have returned to compliance with the above cited violations.

Please note that this office issued you written correspondence on July 5, 2011 which sited you for open dumping and open burning violations. The correspondence included references to the rules and regulations governing these actions and included a copy of the open burning pamphlet.

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 **August 2, 2013**.

Please be advised that the submission of information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties pursuant to Ohio Revised Code Section 3704.06. The Ohio EPA will make a decision whether to pursue such penalties regarding this matter at a later date.

Mr. Shellenbarger
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If you have any questions concerning this letter or the regulations, please call Tom Cikotte at (419) 373-3137 or e-mail at thomas.cikotte@epa.state.oh.us.

Sincerely,



Wendy Licht
Division of Air Pollution Control

/cg

Enclosures

pc: Paulding County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 70091410000118347448

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