



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

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

July 18, 2013

CERTIFIED MAIL

Mr. Gregory Wells, Property Owner  
1371 Heritage Road  
Dayton, Ohio 45459

Dear Mr. Wells:

On July 16, 2013, Mr. Chad Winebrenner and myself, of Ohio EPA's Division of Air Pollution Control, observed evidence of illegal open burning being conducted on property you own at 3243 Insley Road in North Baltimore, Ohio. Our investigation showed a burn site approximately 18 feet in diameter was found to contain the following materials: ash, bed springs, paint cans, flexible conduit, a treated wood spindle, cans and other miscellaneous metal products. The burn site is within 1000 feet of adjacent residences and is 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. However, this office would also suggest the removal and proper disposal of the wastes from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

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 1, 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.

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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) 373-3110 or e-mail at [alyse.johnson@epa.state.oh.us](mailto:alyse.johnson@epa.state.oh.us).

Sincerely,



Alyse Johnson  
Division of Air Pollution Control

/llr

Enclosure

pc: Wood County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 8858

ec: Bruce Weinberg, DAPC – CO  
Alyse Johnson, DAPC – NWDO  
Chad Winebrenner, DAPC – NWDO  
Jennifer Jolliff, DAPC – NWDO  
Thomas C. Cikotte, DAPC – NWDO  
Tom Sattler, DAPC – NWDO