



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)**

August 9, 2013

CERTIFIED MAIL

Mr. Perry Beechy, Owner
Beechy Builders
7588 Township Road 89
Fredericktown, Ohio 43019

Dear Mr. Beechy:

This office received a complaint on July 31, 2013, concerning open burning being conducted on your property. My investigation, conducted on August 1, 2013, shows a barn was demolished and salvaged on the property and waste materials from that process, along with old hay, straw and manure were burned for disposal purposes. This occurred 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 3745-19-03(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, as a commercial business, you are not permitted to burn any construction or demolition wastes either on your job site or on the property where your business is based. 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 26, 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.

Mr. Perry Beechy
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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: Marion County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346403

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