



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)**

August 6, 2013

CERTIFIED MAIL

Mr. Dennis L. McCracken  
Property Owner  
4964 North Township Road 230  
Findlay, Ohio 45840

Dear Mr. McCracken:

On July 29, 2013, I observed open burning being conducted on your property at 2278 Insley Road in North Baltimore, Ohio. My investigation, conducted on July 30, 2013, shows evidence of the following materials having been burned on the property for disposal purposes: vinyl siding; brush; miscellaneous metal parts; metal paint cans, and; fully and partially burned ceiling tiles.

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 again been enclosed for your review. To be clear, because the property is zoned for commercial use, you are not permitted to burn any material for disposal on site. Also, materials observed in the burn site are not permitted to be burned at any time in Ohio.

Violations were also discovered by Ohio EPA on your property on September 28, 2010, and a NOV, along with Ohio's open burning rules, was sent to you on October 1, 2010, for those violations. Be aware that future violations of Ohio's open burning rules may result in this office recommending elevated enforcement, which would include, but is not limited to, a fine, as described in OAC rule 3745-19-06(A).

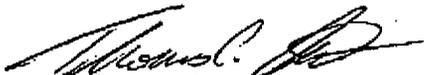
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Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than August 22, 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.

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

/llr

Enclosure

pc: Wood County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1834 9176

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