



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

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

August 30, 2013

CERTIFIED MAIL

Mr. Victor Phillips, Tenant
3467 North County Road 43
Republic, Ohio 44867

Dear Mr. Phillips:

This office received a complaint on August 12, 2013, concerning open burning being conducted on your property. My investigation, conducted on August 20, 2013, shows the following materials were burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: household trash including plastics; miscellaneous metal parts, and; construction and demolition debris.

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 Clara Shawberry because she, as one of the property owners, may be ultimately be held liable for current and future violations.

To be clear, after a review of the area property limits, you are not permitted to burn any wastes on your property because you cannot remain on the property and meet the 1000' minimum distance from adjacent inhabited structures, as identified in OAC rule 3745-19-04(B)(3)(c). Accordingly, you are only permitted to have a recreational or ceremonial fires which comply with OAC rule 3745-19-04(B)(2).