



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 26, 2013

**CERTIFIED MAIL**

Joyce & William Shellenbarger  
Property Owners  
21562 County Road 10  
Defiance, Ohio 43516

Dear Mr. & Ms. Shellenbarger:

This office received a complaint on July 22, 2013, concerning open burning being conducted on your property. Our investigation, conducted on July 24, 2013, shows two burn sites exist on the property. A tire rim fire ring contained evidence of wood, ash, cardboard products, aluminum cans and plastic products. There was also unburned and partially melted trash in the fire pit consisting of Styrofoam plates, plastic products, a bicycle seat, sections of a fiberglass fishing pole, and other household trash including plastics. A second burn site, approximately 15' in diameter, contained evidence of construction and demolition debris, plywood, ceiling tiles and miscellaneous metal parts.

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. Violations were also discovered by Ohio EPA on your property on July 17, 2013, and you were told at that time that open burning of residential waste was not allowed at that property and was illegal.

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, 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). As the property owner, it is ultimately your responsibility to ensure that violations do not occur on your property and you may be held liable for current and future violations.

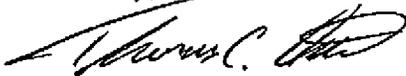
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Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than August 12, 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

/cg

Enclosures

pc: Paulding County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 70091410000118346465

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