



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

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

July 24, 2013

CERTIFIED MAIL

Nathan & Amber Whaley
Property Owner
1101 Peru Olena Road West
Norwalk, Ohio 44857

Dear Mr. & Ms. Whaley:

This office received a complaint on July 22, 2013, concerning open burning being conducted on your property. My investigation, conducted on July 23, 2013, shows a metal barrel has been used to burn paper products, cardboard products and yard wastes within 1000' of adjacent residences 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.

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). Accordingly, you are only permitted to have a recreational or ceremonial fires which comply with OAC rule 3745-19-04(B)(2). This office would also suggest the removal, relocation and/or proper disposal of the metal barrel from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

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 9, 2013.

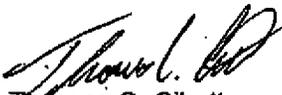
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

Nathan & Amber Whaley
July 24, 2013
Page 2

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.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/cg

Enclosure

pc: Huron County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 70091410000118346519

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