



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

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

July 24, 2013

CERTIFIED MAIL

Ms. Delores Kelly
Property Owner
6303 State Route 119
Maria Stein, Ohio 45860

Dear Ms. Kelly:

This office received a complaint on July 11, 2013, concerning open burning being conducted on your property, which is also partially occupied by a Mr. John Myers. My investigation, conducted that day, shows a burn site, approximately 10' x 12', contained evidence of the following materials having been burned for disposal purposes within 1000' of adjacent residences in an unrestricted area: 4-5 tires; 2-3 mattresses; household trash including plastics; soiled disposable diapers; glass products; steel cans; paper and cardboard products, and; misc. metal parts. Violations were also discovered by Ohio EPA on your property on December 9, 2003, and a NOV, along with Ohio's open burning rules, was sent to you on January 13, 2004, for those violations.

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 because you, as the property owner, may be held liable for current and future violations. It is your responsibility to clearly communicate the open burning rules to your tenants and it is ultimately your responsibility to ensure that future violations do not occur on your property. 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).