



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

Mr. John Myers
Tenant
6303 State Route 119
Maria Stein, Ohio 45860

Dear Mr. Myers:

This office received a complaint on July 11, 2013, concerning open burning being conducted on your property. 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. 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). 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 8, 2013.

Mr. John Myers

July 24, 2013

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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.

Sincerely,



Thomas C. Cikotte
Division of Air Pollution Control

/lr

Enclosure

pc: Mercer County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1834 9008

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