



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

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

July 24, 2013

CERTIFIED MAIL

Mr. Stephen B. Reiter
Property Owner
2623 County Road 148
Fremont, Ohio 43420

Dear Mr. Reiter:

This office received a complaint on July 15, 2013, concerning open burning being conducted on your property. My investigation, conducted on July 23, 2013, shows the following materials were burned for disposal purposes in an unrestricted area: construction and demolition debris, misc. metal parts, old dimensional lumber, pieces of painted lattice and copper plumbing 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.

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, you may be able to meet the required 1000' setback distance to allow you to burn allowable residential wastes, however, the location you are currently burning is very close to that limit. Also, some of the materials observed in the burn site are not permitted to be burned for disposal in Ohio. This office would suggest the burn site be relocated to another area of the property to clearly meet the 1000' setback requirement. Also, given the current burn site location, it appears that some of the unburned wastes are being washed into the adjacent waterway. This is another reason for the suggestion of the relocation of your burn site. That aspect of this complaint will be referred to the Ohio EPA's Division of Surface Water.

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.

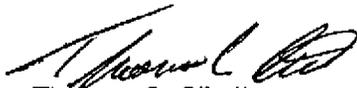
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code. Ohio EPA will determine later whether to pursue such penalties in this case.

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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: Sandusky County Health Department
Thomas C. Cikotte, DAPC - NWDO
Certified Mail Receipt Number 70091410000118346502

ec: Bruce Weinberg, DAPC - CO
Tom Sattler, DAPC - NWDO
Thomas C. Cikotte, DAPC - NWDO
Mary Beth Cohen, DSW - NWDO