



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

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

September 13, 2013

CERTIFIED MAIL

Mr. Brian Bilger
Bilger Lawn & Landscape Inc.
2016 North State Route 53
Tiffin, Ohio 44883

Dear Mr. Bilger:

This office received a complaint on September 5, 2013, concerning open burning being conducted on one of the pieces of property that you currently occupy, at 2046 North State Route 53 in Tiffin, Ohio, but is owned by Ms. Audrey Weller. My investigation, conducted on September 10, 2013, shows landscape wastes, brush and dimensional lumber generated by your commercial business have been brought to this property and burned on site for disposal purposes. This occurred within 1000' of inhabited structures in a restricted 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 3745-19-03(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. A similar letter and the OAC rules are also being sent to Ms. Weller because she, as the property owner, may be ultimately be held liable for current and future 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 September 30, 2013.

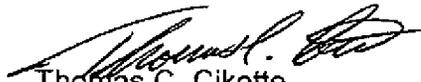
Please note that the submission of the requested information to respond to this letter does not constitute waiver of the Ohio EPA's authority to seek civil penalties as provided in Section 3704.06 of the Ohio Revised Code.

Mr. Brian Bilger
September 13, 2013
Page 2

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

/llr

Enclosure

pc: Seneca County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1835 2077

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