



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

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

September 10, 2013

CERTIFIED MAIL

Louis & Patricia Bauer
Thigpen Properties, LLC
Property Owners
271 Margaret Place
Perrysburg, Ohio 43551

Dear Mr. & Ms. Bauer:

This office received a complaint on August 27, 2013, concerning open burning being conducted on your property at 525 Glenwood Road in Rossford, Ohio. My investigation, conducted on September 5, 2013, shows brush and miscellaneous metal parts were burned for disposal in a metal barrel on a non-agricultural property 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. To be clear, commercial businesses of this type are not permitted to burn any material for disposal, anywhere in Ohio. Furthermore, when burning any type of wastes that are allowed by rule, one must be "no less than 1000' from any inhabited building" not on that property. From a review of the property limits, per the Wood County Auditor, it has been determined that there is no point on the property where that 1000' setback limit can be achieved, therefore, you are not permitted to burn any materials for disposal on the property.

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 26, 2013.

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This office would suggest the removal and proper disposal of the metal barrel from the property as to reduce or eliminate the possibility of misinterpreting past violations as new violations.

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: Wood County Health Department
Thomas C. Cikotte, DAPC – NWDO
Certified Mail Receipt Number 7009 1410 0001 1835 1988

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