



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

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

September 10, 2013

CERTIFIED MAIL

Ms. Rosemary Cowan  
Tenant  
200 North Roberts Street  
Lima, Ohio 45801

Dear Ms. Cowan:

This office received a complaint on August 30, 2013, concerning open burning being conducted on your property. My investigation, conducted on September 3, 2013, shows two (2) different sites have been used to burn residential wastes, including furniture and household trash including plastics, 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 3745-19-04(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. A similar letter and the OAC rules are also being sent to Kevin Hinegardner because he, as the property owner, may be ultimately be held liable for current and future violations.

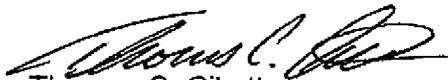
Please provide a written response acknowledging your receipt of this letter and your understanding of the rules. If you do not understand the rules please contact this office for additional explanation before responding. Your response is requested no later than September 25, 2013.

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. 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.

Ms. Rosemary Cowan  
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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](mailto:thomas.cikotte@epa.state.oh.us).

Sincerely,

  
Thomas C. Cikotte  
Division of Air Pollution Control

/l/r

Enclosure

pc: Allen County Health Department  
Thomas C. Cikotte, DAPC – NWDO  
Certified Mail Receipt Number 7009 1410 0001 1835 2008

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